



भारत का राजपत्र

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No. 6] NEW DELHI, SATURDAY, FEBRUARY 11, 1984/MAGHA 22, 1905

इस भाग में अलग पृष्ठ संख्या वां जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गय सार्विधिक आदेश और अधिसूचनाएं
**Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)**

विधि, न्याय और कम्पनी कार्य मंत्रालय
(विधि कार्य विभाग)

मुद्रना

नई दिल्ली, 23 जनवरी, 1984

का०आ० ३९१.—नोटरीज नियम, १९५६ के नियम ६ के अनुसरण में सत्रम प्राधिकारी द्वाया यह नूचना दी जाती है कि वीवेद प्रकाश धावन, पाइवोवेट, नई दिल्ली, कोर्टम, परिपाला हाउस, नई दिल्ली, घर:—१/२४-बी, पन्न० ई०८० पुस्त रोड नई दिल्ली ने उक्त प्राधिकारी का उक्त नियम के नियम ४ के अधीन एक आवेदन इस बात के लिए दिया जाता है कि उसे नई दिल्ली में व्यवसाय करते के लिए नोटरी के रूप में नियुक्त किया जाए।

२. उक्त व्यक्ति को नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्रोश हम नूचना के प्रकाशन के चांदह दिन के भीतर लिखित रूप में मेरे पास भेजे जाएं।

[मं. ५(५९)/३०-न्या०]

एम० गृष्म, सत्रम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Department of Legal Affairs)

NOTICE

New Delhi, the 23rd January, 1984

S.O. 391.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Ved Prakash Dhawan, Advocate, New Delhi Courts, Patiala House, New Delhi, Residence 1/24-B.N.E.A., Pusa Road, New Delhi-110060 for appointment as a Notary to practise in New Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(59)/80-Judl]
S. GOOPTUU, Competent Authority

(विधि विभाग)

ग्रुड्डि-पत्र

नई दिल्ली, 16 जनवरी, 1984

का०आ० ३९२.—मारत के राजपत्र, असाधारण, भाग २, खंड ३, उपखंड (II), तारीख २५ जूलाई, १९८३ में प्रकाशित भारत सरकार के विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधायी विभाग) की अधिनूचना सं० का०आ० 524(अ)
तारीख 25 जुलाई, 1983 में—

1. पृष्ठ सं० (1) पर,

अधिनूचना के पैरा 2 के नीचे की सारणी में—
नम्म 1, 2 और 3 के नीचे—

“1. गढ़वाल-कुमाऊँ खंड स्नातक स्नातक निवाचन थोक
उत्तर काशी चमोली,
पिथोरागढ़, अल्मोड़ा, नैनी-
ताल, गढ़वाल टिहरी
गढ़वाल और देहरादून जिले। 1”

के स्थान पर निम्नलिखित पढ़ें—

स्नातक निवाचन-क्षेत्र

“1. गढ़वाल कुमाऊँ खंड स्नातक
उत्तर काशी, चमोली, पिथोरागढ़,
अल्मोड़ा, नैनीताल, गढ़वाल,
टिहरी-गढ़वाल और
देहरादून जिले। 1”

2. पृष्ठ सं० 2 पर,

(i) क्रम सं० 8 “आगरा खंड स्नातक” के सामने
“आगरा, मथुरा, अलीगढ़, इटावा और
फल्खाबाद जिले।”

के स्थान पर

“आगरा, मथुरा अलीगढ़, एटा, मैनपुरी, इटावा और
फल्खाबाद जिले।” पढ़ें।

(ii) “शिक्षक निवाचन-क्षेत्र” शीर्ष के नीचे—
क्रम सं० 1” गढ़वाल कुमाऊँ खंड शिक्षक” के
सामने—

“उत्तर काशी, पिथोरागढ़, अल्मोड़ा, नैनीताल,
गढ़वाल, टिहरी, गढ़वाल और देहरादून जिले।”

के स्थान पर।

“उत्तर काशी, चमोली, पिथोरागढ़, अल्मोड़ा,
नैनीताल, गढ़वाल टिहरी गढ़वाल और देहरादून
जिले।” पढ़ें।

(iii) “शिक्षक निवाचन-क्षेत्र” शीर्ष के अभ्यर्त्त, क्रम
सं० 8 में, स्तंभ 1, 2 और 3 के नीचे—

“मेरठ खंड शिक्षक बुलन्दशहर, गाजियाबाद, मेरठ,
मुजफ्फर नगर और सहारन-
पुर जिले”

के स्थान पर

“3 आगरा खंड शिक्षक आगरा, मथुरा अलीगढ़, एटा,
मैनपुरी, इटावा और
फल्खाबाद जिले।

9. मेरठ खंड शिक्षक बुलन्दशहर, गाजियाबाद, मेरठ,
मुजफ्फर नगर और सहारन-
पुर जिले।”

पढ़ें।

3. पृष्ठ सं० 3 पर,

“स्थानीय प्राधिकारी निवाचन थोक” शीर्ष के अभ्यर्त्त
क्रम सं० 34 में, स्तंभ 1, 2 और 3 के नीचे—

“मथुरा इटावा—

मैनपुरी मथुरा, इटावा और मैनपुरी जिले 2” स्थानीय
प्राधिकारी के स्थान पर

“मथुरा, एटा—

मैनपुरी मथुरा एटा और मैनपुरी जिले 2” स्थानीय
प्राधिकारी

पढ़ें।

[फा० सं० 7 (26) / 83 --वि०II]
जगद्दोष चन्द्र, अबर मध्य

गृह संत्रासय

(कार्मिक और प्रशासनिक मुधार विभाग)

नई दिल्ली, 28 जनवरी, 1981

का० आ० 393.—दिल्ली विशेष पुलिस स्पापन अधिनियम, 1946
(1946 का 25) की धारा 6 के साथ परिवर्त धारा 5 की उपधारा (1)
धारा प्रवल शक्तियों का प्रयोग करने हेतु वेदीय सरकार, संबंधित गज्ज
सरकारों की महसूल प्राप्त करने के पश्चात, नीचे दी गई अनुसूची में
विनिर्दिष्ट प्रपराधों के अन्वेषण की बाबत दिल्ली विशेष पुलिस स्पापन के
सदस्यों की शक्तियों और अधिकारिगता का विस्तारण, भाव्य प्रदेश, और
कर्तांक राज्य पर करती है।

अनुसूची

(क) पुरावशेष तथा बहुमूल्य कलाकृति अधिनियम, 1972 (1972
का 52) की धारा 25 के अधीन दृढ़ीय अपराध।

(ख) अण्ड (क) में उल्लिखित अपराधों में से किसी एक या अधिक
अपराधों के संबंध में या उसमें संबंधित प्रवल, पुत्रेरण और बड़यन् तथा
येरे ही तथ्यों में उन्नत होने वाले ये ही संव्यवसार के अनुक्रम में निया
गया कोई अन्य अपराध।

[संख्या 228/5/82-ए०वी०डी०-II]

MINISTRY OF HOME AFFAIRS

(Department of Personnel & Administrative Reforms)

New Delhi, the 28th January, 1984

S.O. 393.—In exercise of the powers conferred by sub-
section (1) of section 5 read with section 6 of the Delhi
Special Police Establishment, Act, 1946 (25 of 1946) the
Central Government, having obtained the consent of the
Governments of the States concerned, hereby extends the
powers and jurisdiction of the members of the Delhi Special
Police Establishment in respect of the investigation of the
offences specified in the Schedule below, to the States of
Andhra Pradesh and Karnataka.

SCHEDULE

(a) Offences punishable under section 25 of the Antiquities and Art Treasures Act, 1972 (52 of 1972).

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/5/82-AVD-II]

आदेश

नई दिल्ली, 28 जनवरी, 1984

का०आ० 394.—दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पटित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, संबंधित राज्य सरकारों से यहमति प्राप्त करते के पश्चात नीचे दी गई अनुसूची में विनिर्दिष्ट अपराधों के अवैषेषण की बाबत दिल्ली विशेष पुलिस स्थापन के सदस्यों व शक्तियों और अधिकारिता का विस्तरण आनंद प्रदेश गुजरात हरियाणा, हिमाचल प्रदेश, कर्नाटक, केरल, मणिपुर, मेघालय, उड़ीसा, पंजाब, राजस्थान, सिक्किम, तिपुरा और उत्तर प्रदेश राज्यों पर करनी है।

अनुसूची

1. विदेशी अभिदाय (विनियमन) अधिनियम, 1976 (1976 का 49) की धारा 22, 23 और 25 के अधीन दंडनीय अपराध।

2. उपरोक्त अपराधों में से किसी एक या अधिक अपराधों के संबंध में या उनसे संबंधित प्रयत्न, दुप्रेरण और पठथंत तथा वैसे ही तथ्यों से उत्पन्न होने वाले वैसे ही संबंधित अपराधों के अनुक्रम में किया गया कोई अन्य अपराध।

[संख्या 228/1/82-ए०व०-०डी०-II]
के०जी० गोप्यल, उप मन्त्रिव

ORDER

New Delhi, the 28th January, 1984

S.O. 394.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government having obtained the consent of the Governments of States concerned, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in respect of the investigation of the offences specified in the Schedules below, to the state of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Sikkim, Tripura and Uttar Pradesh.

SCHEDULE

- Offences punishable under sections 22, 23 and 25 of the Foreign Contribution (Regulation) Act, 1976 (49 of 1976).
- Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above, and any other offences committed in the course of the same transactions arising out of the same facts.

[No. 228/1/82-AVD-II]
K. G. GOEL, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 3 अप्रैल, 1982

(आधिकर)

का०आ० 395.—सर्वसाधारण की जानकारी के लिए एतद-द्वारा अधिनुचित किया जाता है कि विहित प्राधिकारी अर्थात्

‘भारतीय सामाजिक विज्ञान अनुसंधान परिषद ने नीचे उल्लिखित संस्था को आवकर अधिनियम, 1961 की धारा 35 की उप धारा (1) के खण्ड (iii) के प्रयोजनों के लिए निम्नलिखित शर्तों के अधीन अनुमोदित किया है:-

- यह कि इस छूट के अंतर्गत ‘रामकृष्ण मिशन इंस्टीट्यूट आफ कल्चर, कलकत्ता द्वारा एकल राशियों को अन्यतः सामाजिक विज्ञानों में अनुसंधान व संवर्धन के लिए प्रयोग किया जावेगा।
- यह कि संस्थान इस छूट के अंतर्गत स्वयं द्वारा एकत्रित राशियों का पृथक लेखा रखेगा।
- यह कि संस्थान इस छूट के अंतर्गत विशेषरूप ऐकत्रित राशियों और इन राशियों के प्रयोग करने के तरीके को दर्शाते हुए अपने कायदानामां, की वार्षिक रिपोर्टों और अपने लेखों के संपरीक्षित विवरण पत्र को निर्धारित स्पष्ट से परिषद को भेजेगा।
- आवकर अधिनियम, 1961 की धारा 35(1) (iii) के अंतर्गत प्राप्त दान की राशियों में से किसी भी अप्रयुक्त काप को धारा 13(1) (ध) में निर्धारित तरीके से निवेश किया जाएगा जिसमें सरकारी बचत-पत्रों में निवेश, अनुसूचित बैंक में जमा, यूनिट फंस्ट आफ इण्डिया में निवेश, सार्वजनिक क्षेत्र की कंपनियों में जमा, डाक-घर और सरकारी कम्पनियों आदि में जमा सम्मिलित हैं।

संस्था

‘रामकृष्ण मिशन इंस्टीट्यूट आफ कल्चर, कलकत्ता’।

यह अधिसूचित जारी होने को तारीख से तीन वर्ष के अवधि के के लिए वैद्य है।

[सं० 4557/फा०सं० 203/204/81-आ० क० नि०-II]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 3rd April, 1982

INCOME-TAX

S.O. 395.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

- That the funds collected by the Ramakrishna Mission Institute of Culture, Calcutta under this exemption shall be utilized exclusively for promotion of research in Social Sciences.
- That the Institute shall maintain a separate accounts of the funds so collected by them under this exemption.
- That the Institute shall send to the Council an Annual Report of its activities and an Audited Statement of its Accounts regularly showing specifically the funds collected under this exemption and the manner in which these funds are utilized.

(iv) Any unutilized funds, out of the donations received under section 35(1)(iii) of Income-tax Act, 1961, will be invested in the manner prescribed in Section 13(1)(d) which includes investment in Government Saving Certificates, deposit in scheduled Bank, investment in U T I., deposits with the Public Sector Companies, deposits in Post Office and Government Companies etc.

INSTITUTION

"Ramakrishna Mission Institute of Culture, Calcutta."

This notification is valid for a period of three years from the date of issue of this notification.

[No. 4557/F. No. 203/204/81-ITA. II]

नई दिल्ली, 19 जून, 1982

आधिकार

का० आ० 396—मर्वाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6 के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के बंद (ii) के प्रयोजनों के लिए प्राकृतिक और अनुप्रयुक्त विज्ञान के क्षेत्र में "संगम" प्रबर्ग के अधीन, निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (i) यह कि प्रासादिएटेड इलेक्ट्रॉनिक रिसर्च फाउंडेशन प्राकृतिक या अनुप्रयुक्त, क्रियि/पशुपालन/मर्यादित और औषधि से भिन्न विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त गणियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त फाउंडेशन प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों को वार्षिक विवरणी परिचय को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए, और उसे मूल्यित किए जाएँ।
- (iii) यह कि उक्त फाउंडेशन प्रत्येक वर्ष के लिए अपनी कुल आय और व्यय का दर्शन करते हुए लेखाओं का वार्षिक संपर्काशन विवरण विहित प्राधिकारी को प्रति वर्ष 30 जून तक प्रस्तुत करेगा। और अपनी आमियो/दायित्वों की दर्शन करते हुए तृतीय पत के साथ त्रैम दसावेजों में भी प्रत्येक को एक प्रति सम्बद्ध आय-कर आयकृत की भेजेगा।

संस्था

"प्रासादिएटेड इलेक्ट्रॉनिक रिसर्च फाउंडेशन, नई दिल्ली"

यह अधिसूचना 15-5-1982 से 14-5-1985 तक की तीन वर्ष की अवधि के लिए प्रभावी है।

[मा० 4751/का० मा० 203/104/81-आईटी प-II]

New Delhi, the 19th June, 1982

INCOME TAX

S.O. 396.—It is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied sciences subject to the following conditions :—

- (i) That the associated Electronic Research Foundation, New Delhi will maintain a separate account of the sums received by it for scientific research in the field of natural and applied sciences other than Agricultural/Animal husbandry/Fisheries and medicines;
- (ii) That the said Foundation will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Foundation will submit to the Prescribed Authority by 30th June, each year a copy each of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets/liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

"Associated Electronics Research Foundation, New Delhi."

This notification is effective for a period of three years from 15-5-1982 to 14-5-1985.

[No. 4751/F. No. 203/104/81-ITA.II]

नई दिल्ली, 6 अक्टूबर 1983

(आधिकार)

का० आ० 397—मर्वाधारण की जानकारी के लिए एस्टॉ-ड्राग अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के बंद (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संस्था" प्रबर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि हार्कोर्ट बटनर टैक्नोलॉजिल इंस्टीट्यूट, कानपुर, वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त गणियों का पृथक लेखा रखेगा।
2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान मंडली क्रियाकलापों को वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष तीस अप्रैल, तक ऐसे प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किया जाए, और उसे सूचित किया जा ।
3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाने हुए अपनी संपर्काशन आधिक लेखों की तथा

अपनी परिसंपत्तियां, देनदारीयां दर्शनि हुए तुलन-पत्र की गणकाक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेंगे; तथा इन दस्तावेजों में से प्रत्येक की एक एक प्रति संबंधित आधकर आयुका को भेजेगा।

संस्था

हार्कॉर्ड बटर टेक्नोलॉजिकल इंस्टीट्यूट, कानपुर

यह अधिसूचना 16-7-1983 से 15-7-1986 तक 3 वर्ष की अवधि के लिए प्रभावी है।

[मं० 5422/का० सं० 203/22/83-आ०का०नि०-II]

New Delhi, the 6th October, 1983

INCOME-TAX

S.O. 397.—It is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" in the area of other natural and applied sciences subject to the following conditions :—

- (i) That the Harcourt Butler Technological Institute, Kanpur will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Harcourt Butler Technological Institution, Kanpur.

This notification is effective for a period of three years from 16-7-1983 to 15-7-1986.

[No. 5422/F. No. 203/22/83-ITA. III]

नई दिल्ली, 12 जनवरी, 1984

आयकर

का० आ० 398.—सर्वसाधारण की जानकारी के लिए एतदद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने नीचे निम्नलिखित संस्था को आधकर नियम 1962 के नियम 6 के माध्यम परिवर्तन आधकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्रों में "संगम" प्रबन्ध के अधीन निम्नलिखित गतीं पर अनुमोदित किया है, अर्थात्—

1. यह कि फेरस मेटल रिसर्च मेंटर, नई दिल्ली वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त गणियों का प्रयोक्त लेखा रखेगा।
2. यह कि उक्त मंगम अपने वैज्ञानिक अनुसंधान संबंधीय क्रियाकलापों की वार्ताक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में

प्रति वर्ष 30 अप्रैल, तक ऐसे प्रस्तुत करेंगी को इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त मंगम अपनी कुल आय तथा व्यय दर्शाते हुए अपने संवरोक्षित वार्षिक लेखों को तथा अपनी परिसंपत्तियां, देनदारीयां दर्शाते हुए तुलन-पत्र की एक एक प्रति, प्रतिवर्ष 30 जून को विहित प्राधिकारी को प्रस्तुत करेंगी तथा इन दस्तावेजों में से प्रत्येक की एक एक प्रति संबंधित आधकर आयुक्त को भेजेगा।

संस्था

फेरस मेटल रिसर्च मेंटर, नई दिल्ली।

यह अधिसूचना 12-10-83 से 31-3-85 तक को अवधि के लिए प्रभावी है।

[मं० 5588/का० सं० 203/78/81-आ०का०नि० III]

New Delhi, the 12th January, 1984

INCOME-TAX

S.O. 398.—It is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the Prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied science subject to the following conditions :—

- (i) That the Ferrous Metal Research Centre, New Delhi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Ferrous Metal Research Centre, New Delhi.

This notification is effective for a period from 12-10-83 to 31-3-1985.

[No. 5588/F. No. 203/78/81-ITA. III]

(आयकर)

का०आ० 399.—इस कार्यालय की दिनांक 21-6-82 की अधिसूचना मं० 4753 (का० मं० 203/78/82-आ०का०नि०-II) के मिलभिले में, सर्वसाधारण की जानकारी के लिए एतदद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा

35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "समर्पण" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थातः—

1. यह कि संगीत रिसर्च अकादमी, कलकत्ता, वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पूर्युक्त लेखा रखेगा।
2. यह कि उक्त संस्था अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकारित किया जाए और उसे सूचित किया जाए।
3. यह कि उक्त संस्था अपनी कूल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियों, देनदारियां दर्शाते हुए तुलन-पत्र की एक एक प्रति, प्रतिवर्ष 30 जून तक 'विहित प्राधिकारी' को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयकृत को भेजेगा।

संस्था

संगीत रिसर्च अकादमी, कलकत्ता।

यह अधिसूचना 11-4-1983 से 31-3-1986 तक की अवधि के लिए प्रभावी है।

[सं० 5585/फा०सं० 203/232/83-आ०क०नि०-II]

INCOME-TAX

S.O. 399.—In continuation of this office Notification No. 4753 (F. No. 203/78/82-ITA. II) dated 21-6-82, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied sciences subject to the following conditions :—

- (i) That the Sangeet Research Academy, Calcutta will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said association will furnish annual returns of its scientific research activities to the Prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said association will submit to the Prescribed authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Sangeet Research Academy, Calcutta.

This notification is effective for a period from 11-4-1983 to 31-3-1986.

[No. 5585/F. No. 203/232/83-ITA-II]

आय-कर

का०आ० 400:—सर्वसाधारण की जातकारी के लिए प्रतिवर्ष अधिसूचित किया जाता है कि साचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर नियम, 1962 के नियम 6 के माध्य पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनों के लिए निम्न विविदिष्ट अवधि के लिए अनुमोदित किया गया है:

अनुसंधान परियोजना का : इंजीनियरिंग डिवेलपमेंट शीर्षक आफ फार्मड मटील म्यूक्चर्ल सिस्टम्स

प्रयोजक का नाम : मैसर्स ट्यूब इन्डस्ट्रीज आफ इंडिया लिंग मद्रास

कार्यान्वयन करने वालों प्रयोग- : इंडियन इस्टीट्यूट आफ एक्स्प्रेस टेक्नालॉजी, मद्रास

परियोजना प्रारम्भ करने की : जून, 1983 तारीख

परियोजना को पूरा करने : जून, 1986 की तारीख

अनुमानित परिवय : 2.45 लाख रुपये (केवल दो लाख पैसानीम हजार रुपये)

2. इंडियन इस्टीट्यूट आफ एक्स्प्रेस टेक्नालॉजी, मद्रास, अत्यकर अधिनियम की धारा 10(2) (XIII) के अंतर्गत अनुमोदित है, दोषाण, वित्त मंत्रालय की दिनांक 31-1-1961 की अधिसूचना सं० 266 और प्रवर्तकता आधार पर परियोजना को लेने के योग्य है।

[सं० 5587/फा०सं० 203/168/83-आ०क०नि०-II]

INCOME-TAX

S.O. 400.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of the Section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 by the Secretary, Department of Science & Technology, New Delhi:—

Title of the research Project: Design & Development of formed steel structural systems.

Name of the Sponsorer: M/s. Tube Investments of India Ltd., Madras.

Implementing Lab.: Indian Institute of Technology, Madras.

Date of commencement of the Project: June, 1983.

Date of completion of the Project: June, 1986.

Estimated outlay: Rs. 2.45 lakhs (Rupees Two lakhs and forty five thousand only).

2. Indian Institute of Technology, Madras is approved u/s 10(2)(xiii) of II Act vide Ministry of Finance Notification No. 266 dated 31-1-1961 and is eligible to take project on sponsorship basis.

[No. 5587/F. No. 203/168/83-ITA-II]

नई दिल्ली, 13 जनवरी, 1984
(आयकर)

का०आ० 401—सर्वसाधारण की जानकारी के लिए एतद्वारा अधिगृच्छित किया जाता है कि सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर नियम 1962 के नियम 6(iv) के माध्यम से प्रतिष्ठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2A) के प्रयोजनों के लिए नीचे विविदिष्ट अवधि के लिए अनुमोदित किया है :—

वैज्ञानिक अनुसंधान परियोजना : डिवेलपमेंट आफ सिलिका वेस्ट
का नाम माइक्रोकाइन फाइबर्स ।
प्रायोजक का नाम : मैसर्स एडवान्सेड माइक्रो-
डिवाइसिज प्राइवेट लिमिटेड,
अम्बाला कैन्ट।
कार्यान्वयन करने वाली : भारतीय विज्ञान संस्थान,
बंगलौर।
शुरू करने की तारीख : अप्रैल, 1983
पूरा करने की तारीख : अप्रैल, 1984
अनुमानित परिव्यय : 60,300 रुपये

भारतीय विज्ञान संस्थान, बंगलौर आयकर अधिनियम 1922 की धारा 10(2) (xiii) के अंतर्गत विसं मंदालय की दिनांक 23-11-1946 की अधिसूचना सं० 34 के द्वारा अनुमोदित है।

[सं० 5580/का०सं० 203/229/83-आ०का०नि०-II]

New Delhi, the 13th January, 1984

INCOME-TAX

S. O. 401.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purpose of sub-section (2A) of the Section 35 of the Income-tax Act, 1961 read with rule 6(iv) of the Income-tax Rules, 1962 by the Secretary, Department of Science & Technology, New Delhi:—

Name of the scientific research project	Development of Silica based Microfine fibres.
Name of sponsor	M/s. Advanced Microdevices Pvt. Limited, Ambala Cantt
Name of implementing laboratory	Indian Institute of Sciences, Bangalore.
Date of commencement	April, 1983
Date of completion	April, 1984
Estimated outlay	Rs. 60,300/-

Indian Institute of Sciences, Bangalore is approved under section 10(2)(xiii) of the Income-tax Act, 1922 vide late Finance Deptt. Notification No. 34 dated 23-11-1946.

[No. 5580/F. No.203/229/83-ITA.II]

(आयकर)

का०आ० 402.—इस कार्यालय की दिनांक 20-2-82 की अधिसूचना सं० 4484 (फा०सं० 203/200/80-आ०का०नि०-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिगृच्छित किया जाता है कि विहित प्राधिकारी,

अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के ध्रेत्र में “संग्रह” प्रवर्ग के अधीन निम्नलिखित ग्रन्ति पर अनुमोदित किया है, अर्थात् :

1. यह कि महाराष्ट्र राज्य द्राक्ष वगाइतदार संघ, पुणे वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल, तक ऐसे प्ररूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे मूलित किया जाए।
3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाने हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाने हुए तुलन-पत्र की एक-एक प्रति, प्रतिवर्ष, विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

संस्था

महाराष्ट्र राज्य द्राक्ष वगाइतदार संघ, पुणे

यह अधिसूचना 1-4-83 से 31-3-83 तक की अवधि के लिए प्रभावी है।

[सं० 5579 फा० सं० 203/184/83 आ०का०नि०-II]

INCOME-TAX

S.O. 402.—In continuation of this Office Notification No. 4484 (F. No. 203/200/80-ITA. II) dated 29-2-82, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the category "Institution" in the area of other natural and applied sciences subject to the following conditions :—

- (i) That the Maharashtra Rajya Draksha Bagaidar Sangh, Pune will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Maharashtra Rajya Draksha Bagaitdar Sangh, Pune.

This notification is effective for a period from 1-4-1983 to 31-3-1985.

[No. 5579/F. No. 203/184/83 ITA-II]

(आयकर)

का० आ० 403.—सर्वसाधारण की जनकारी के लिए एतदद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् सचिव, विज्ञान एवं प्रौद्योगिकी विभाग, नई दिल्ली, ने निम्नलिखित वैज्ञानिक अनुसंधान कार्य अभियान का आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनार्थ नीचे विवरित अवधि के लिए अनुमोदित किया है:—

अनुसंधान परियोजना का शीर्षक

1. डिवेल्पमेंट आफ ए फाइबर-एप्टिक लैसर कर्ट ट्रांसफार्मर
2. डिवेल्पमेंट आफ ए डिवाइस फार मे ज़रिग बी०ग्न०व०व० व०व०म् आफ लैमिनेशन्स यूज़ इन कर्ट ट्रांसफार्मर।

प्रयोजनक का नाम

मैसर्स डब्ल्यू एस० इंसुलेट्स आफ इंडिया लिमिटेड, मद्रास।

कार्यान्वयनकारी प्रयोगशाला

भारतीय प्रौद्योगिकी संस्थान मद्रास।

प्रारंभ करने की प्रस्तावित तारीख

1. जुलाई, 1983
2. जुलाई, 1983

पूरा करने की प्रस्तावित तारीख

1. दिसम्बर, 1984
2. दिसम्बर, 1983

अनुमोदित परिव्यय

1. 1,60,000 रु० (एक लाख साठ हजार रुपये)
2. 60,000 रु० (साठ हजार रुपये)।

2. आयकर अधिनियम, 1922 की धारा 10(2)(xiii) के अधीन भारतीय प्रौद्योगिकी संस्थान, मद्रास अनुमोदित है और प्रवर्तकता आधार पर परियोजना लेने के लिए पात्र है।

[सं० 5578/फा०सं० 203/187/83-आ०क०नि०-II]

INCOME-TAX

S. O. 493—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purpose of sub-section (2A) of the Section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 by the Prescribed Authority, (the Secretary, Department of Science and Technology, New Delhi):—

Title of the research project: 1. Development of a fibreoptic laser current Transformer.

2. Development of a device for measuring B.H. Curves of Laminations used in current Transformers.

Name of the sponsorer : M/s. W.S. Insulators of India Ltd., Madras.

Implementing Lab. : Indian Institute of Technology, Madras.

Proposed date of starting : 1. July, 1983.
2. July, 1983.

Proposed date of completion : 1. December, 1984.
2. December, 1983.

Estimated outlay : 1. Rs. 1,60,000/- (One Lakh Sixty thousand).
2. Rs. 60,000/- (Sixty thousand).

2. Indian Institute of Technology, Madras is approved u/s. 10(2) (xiii) of the I.T. Act, 1922 and is eligible to take project on sponsorship basis.

[No. 5578 /F. No. 203/187/83-ITA-II]]

(आयकर)

का०आ० 404.—सर्वसाधारण की जनकारी के लिए एतदद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनप्रयुक्त विज्ञानों के क्षेत्र में 'संगम' प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

1. यह कि गुहा इंस्टीट्यूट आफ बायोकेमिस्ट्री, कलकत्ता, वैज्ञानिक अनुसंधान के लिए उसके हारा प्राप्त राशियाँ का पृथक लेखा रखेगा।

2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक विसीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल, तक ऐसे प्ररूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे मूलित किया जाए।

3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपर्कीयता वार्षिक लेखों की सथा अपनी परियम्पत्तियों, देनदारियाँ दर्शाते हुए तुलन-पत्र की एक-एक प्रति प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक का एक-एक प्रति भंडवंधित आयकर आयुक्त को भेजेगा।

संस्था

गुहा इंस्टीट्यूट आफ ब्रायोकेमिस्ट्री, कलकत्ता।

यह अधिभूचना 10-11-1983 से 31-3-1985 तक की अवधि के लिए प्रभावी है।

[मं० 5583/फा०मं० 203/118/83-आ०क०नि०-II]

INCOME-TAX

S.O. 404.—It is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) That the Guha Institute of Biochemistry, Calcutta will maintain a separate accounts of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liability with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Guha Institute of Biochemistry, Calcutta.

This notification is effective for a period from 10-11-83 to 31-3-1985.

[No. 5583/F. No. 203/118/83-ITA-II]

(आधिकर)

का० आ० 405.—इस कार्यालय की दिनांक 14-10-82 की अधिभूचना मं० 4951 (फा० मं० 203/174/82-आ० क० नि० II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए प्रतद्वारा अधिभूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने नीचे उल्लिखित संस्था को आधिकर नियम 1962 के नियम 6 के माध्य पठित आधिकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संगम" प्रबन्ध के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (1) यह कि न्युट्रीशन फाउण्डेशन आफ हैंडिया, नई दिल्ली को वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (2) यह कि उक्त फाउण्डेशन अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक विनीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल, तक ऐसे प्रस्तुप में प्रस्तुत करेगी जो हस प्रयोजन के लिए अधिकारी अधिकारी किया जाए और उसे मूल्यित किया जाए।

(3) यह कि उक्त फाउण्डेशन अपनी कुल आय तथा व्यय दर्शाने हुए अपने संपर्कित वार्षिक लेखों की तथा अपनी परिसंपत्तियाँ, देनदारियाँ दर्शाने हुए, तुलन-पत्र की एक-एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आधकर आयुक्त को भेजेगा।

संस्था

न्युट्रीशन फाउण्डेशन आफ हैंडिया, नई दिल्ली

यह अधिभूचना 26-9-83 से 31-3-1986 तक की अवधि के लिए प्रभावी है।

[मं० 5881/फा०मं० 203/199/83-आ०क०नि०-II]

INCOME-TAX

S.O. 405.—In continuation of this Office Notification No. 4951 (F. No. 203/174/82-ITA, II) dated 14-10-82, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied sciences subject to the following conditions :—

- (i) That the Nutrition Foundation of India, New Delhi will maintain separate account of the sums received by it for scientific research.
- (ii) That the said Foundation will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Foundation will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

The Nutrition Foundation of India, New Delhi.

This notification is effective for a period from 26-9-83 to 31-3-1986.

[No. 5581/F. No. 203/199/83-ITA-II]

(आधिकर)

का० आ० 406.—इस कार्यालय की दिनांक 7-2-80 की अधिभूचना सं० 3179 (फा० मं० 203/26/80-आ०क० नि०-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए प्रतद्वारा अधिभूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आधिकर नियम 1962 के नियम 6 के माध्य पठित आधिकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा

अनुप्रयुक्त विज्ञानों के क्षेत्र में "संगम" प्रबर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

- (1) यह कि गोआ कैसर सोमायर्टी, गोआ, वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त गणियों का पृथक लेखा रखेगा।
- (2) यह कि उक्त सोमायर्टी अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किया जाए, और उसे सूचित किया जाए।
- (3) यह कि उक्त सोमायर्टी अपनी कुल आय तथा व्यय दर्शाने हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाने हुए तुलन-पत्र की एक-एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

संस्था

गोआ कैसर सोमायर्टी, गोआ।

यह अधिसूचना 4-10-82 में 31-12-83 तक की अधिक लिए प्रभावी है।

[मं. 5584/फा० मं. 203/241/83-आ० क० नि०-II]

INCOME-TAX

S.O. 406.—In continuation of this Office Notification No. 3179 (F. No. 203/26/80-ITA. II) dated 7-2-80, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) That the Goa Cancer Society, Goa will maintain a separate accounts of the sums received by it for scientific research.
- (ii) That the said society will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said society will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Goa Cancer Society, Goa.

This notification is effective for a period from 4-10-1982 to 31-12-1985.

[No. 5584/F. No. 203/241/83-ITA. II]

(आधकर)

का० आ० 407.—इस कार्यालय की दिनांक 14-7-1980 की अधिसूचना मं. 3543 (फा० मं. 203/177/80-आ० क० नि०-II) के मिलमिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के माध्यम से अधिकार अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संगम" प्रबर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (1) यह कि कर्नाटक कैमर थेरपी एंड रिसर्च इंस्टिट्यूट, हुबली वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त गणियों का पृथक लेखा रखेगा।
- (2) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किया जाए, और उसे सूचित किया जाए।
- (3) यह कि उक्त संगम अपनी कुल आय तथा व्यय दर्शाने हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाने हुए तुलन-पत्र की एक-एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

संस्था

कर्नाटक कैसर थेरपी एंड रिसर्च इंस्टिट्यूट, हुबली।

यह अधिसूचना 2-6-1983 में 1-6-1985 तक दो वर्ष की अवधि के लिए प्रभावी है।

[मं. 5586/फा० मं. 203/237/83-आ० क० नि०-II]

INCOME-TAX

S.O. 407.—In continuation of this Office Notification No. 3543 (F. No. 203/177/80-ITA. II) dated 14-7-80, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied science subject to the following conditions :—

- (i) That the Karnataka Cancer Therapy and Research Institute, Hubli will maintain a separate account of the sums received by it for scientific research.

(ii) That the said association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Karnataka Cancer Therapy and Research Institute, Hubli.
This notification is effective for a period of two years from 2-6-1983 to 1-6-1985.

[No. 5586/F. No. 203/237/83-ITA. II]

(आधकर)

का० आ० 408:- इस कायनिय की दिनांक 16-१-८१ की अधिसूचना मं० 3793 (का० मं० 203/280/80-आ० क० नि०-II) के मिलसित में, सर्वसाधारण की जानकारी के लिए प्रत्यक्षद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थत् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित मंस्था की आधकर निधम 1962 के निधम 6 के माय पठित आधकर अधिनियम, 1961 की धारा 35 की उपर्या (I) के खंड (ii) के प्रयोजनों के लिए अन्य प्राचुर्य तथा प्रत्यरूप विज्ञानों के लिए अन्य प्रयोजनों के लिए अनुमोदित किया है, अर्थात्-

(1) यह कि न्यूट्रोशन मोसाइटी आफ इंडिया, हैदराबाद, वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।

(2) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान मंविधि शिकाकलापों की वापिक विवरणी, विहित प्राधिकारी को प्रत्येक विनाय वर्ष के संबंध में प्रति वर्ष 30 अरेन, तक ऐसे प्राप्त में प्रस्तुत करेगा जो उस प्रयोजन के लिए अधिकारित किया जाए, और उसे संचित किया जाए।

(3) यह कि उक्त संगम अपनी कुल आय तथा अध्य दण्डित हुए अपने संघरीक्षित वापिक लेखों की तथा अपनी परिसंपत्तियों, देनदारिया इत्यनि हें तुलन-पन की एक-एक प्रति, प्रतिवर्ष 30 जून तक विशित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आधकर आयुक्त को भेजेगा।

मंस्था

न्यूट्रोशन मोसाइटी आफ इंडिया, हैदराबाद।

यह अधिसूचना 1-4-83 से 31-3-85 तक दो वर्ष की अवधि के लिए प्रभावी है।

[मं० 5582/का० मं० 203/245/83-आ० क० नि०-II]

मदन गोपाल चन्द्र गोपाल, अवर सचिव

INCOME-TAX

S.O. 408.—In continuation of this Office Notification No. 3793 (F. No. 203/280/80-ITA. II) dated 16th January, 1981, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied sciences subject to the following conditions :—

(i) That the Nutrition Society of India, Hyderabad will maintain a separate account of the sums received by it for scientific research.

(ii) That the said association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Nutrition Society of India, Hyderabad.

This notification is effective for a period of two years from 1-4-83 to 31-3-1985.

[No. 5582/F. No. 203/245/83-ITA. II]

M. G. C. GOYAL, Under Secy.

नई दिल्ली, 11 जनवरी, 1984

का०आ० 409:- आधकर अधिनियम, 1961 (1961 का 43) की धारा 90७ की उपधारा (2) (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, "श्री धनधन सती दादाजी पन्दिर, धनधन, जिला सीकर (राजस्थान) को तमस्त राजस्थान में विख्यात सांखिकी पूजा स्थल के रूप में अधिसूचित करती है।

[मं० 5577/का० मं० 176/59/81-आ० क० (नि०-I)]

चौ० बं० धी० धी० निदेशक

New Delhi, the 11th January, 1984

S.O. 409.—In exercise of the powers conferred by sub-section (2) (b) of section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shree Dhandhan Sati Dadaji Temple, Dhanbad, Dist. Sikar (Rajasthan) to be a place of public worship of renown throughout the State of Rajasthan.

[No. 5377/176/59/81-JT(AI)]

V. R. SRINIVASAN, Director

प्रादेश

नई दिल्ली, 21 जनवरी, 1984

स्टाम्प

का० आ० 410.- भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड

(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एन्ड्रेड्वारा उम्मीदवार को माफ करती है जो राष्ट्रीय महकारिता विभाग नियम द्वारा प्राप्ति समरी नांदों के रूप में जारी किए जाने वाले केवल सोलह करोड़ तिरसठ लाख रुपए मूल्य के बन्ध पत्रों पर उक्त अधिनियम के अंतर्गत प्रमाण है।

[संख्या 7/84-स्टाम्प/फा० सं० 33/5/84-वि० क०]
भगवान दास, अवर सचिव

ORDER

New Delhi, the 21st January, 1984

STAMPS

S.O. 410.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes of the value of rupees sixteen crores and sixty three lakhs only to be issued by National Cooperative Development Corporation are chargeable under the said Act.

[No. 7/84-Stamp/F. No. 33/5/84-ST]
BHAGWAN DAS, Under Secy.

नई दिल्ली, 24 जनवरी, 1984

का० आ० 411.—केन्द्रीय सरकार, आपकार अधिनियम, 1961 (1961 का 43) की धारा 245 व्य द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय राजस्व सेवा (आयकर) के अधिकारी (पूर्ववर्ती सदस्य, केन्द्रीय प्रत्यक्ष कर बोर्ड) और भारत सरकार के राजस्व विभाग के पदेन अपर सचिव श्री के० के० मेन को आयकर समझौता आयोग के मदस्य के रूप में नियुक्त करती है।

[सं० 2/84/फा० सं० 21/38/83-एडी० आई सी]

New Delhi, the 24th January, 1984

S.O. 411.—In exercise of the powers conferred by section 245B of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby appoints Shri K. K. Sen, an officer of the Indian Revenue Service (Income-tax) (formerly Member, Central Board of Direct Taxes) and ex-officio Additional Secretary to the Government of India in the Department of Revenue, as Member of the Income-tax Settlement Commission.

[No. 2/84 F. No. 21/38/83-Ad. IC]

का० आ० 412.—केन्द्रीय सरकार, धन-कर अधिनियम, 1957 (1957 का 27) की धारा 22 व्य द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय राजस्व सेवा (आयकर) के अधिकारी (पूर्ववर्ती मदस्य, केन्द्रीय प्रत्यक्ष कर बोर्ड) और भारत सरकार के राजस्व विभाग के पदेन अपर सचिव श्री के० के० मेन का धन कर समझौता आयोग के मदस्य के रूप में नियुक्त करती है।

[सं० 3/84 फा० सं० 21/38/83-एडी० आई सी]
सी० एन० खस्ता, डेस्क आफिसर

S.O. 412.—In exercise of the powers conferred by section 22B of the Wealth-tax Act, 1957 (27 of 1957), the Central Government hereby appoints Shri K. K. Sen, an officer of the Indian Revenue Service (Income-tax) (formerly Member, Central Board of Direct Taxes) and ex-officio Additional Secretary to the Government of India in the Department of Revenue, as Member of the Wealth-tax Settlement Commission.

[No. 3/84/F. No. 21/38/83-Ad. IC]

C. L. KHANNA, Desk Officer

नई दिल्ली, 23 जनवरी, 1984

का० आ० 413.—आपकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एन्ड्रेड्वारा, उक्त खण्ड के प्रयोजनार्थ, (1) द्वाराकाशी जी मन्दिर बेत, (2) लक्ष्मीजी मन्दिर बेत, (3) राधिका जी मन्दिर बेत, (4) सत्यभामाजी मन्दिर बेत, (5) जम्बूदंतीजी मन्दिर बेत, (6) शृंखलारामजी मन्दिर बेत को कर निर्धारण वर्ष 1964-65 ते 1981-82 तक के अंतर्गत आंतवाली अवधि के लिए अधिसूचित करती है।

[सं० 5593फा० सं० 197/135/60-आ०क० (नि-I)]

New Delhi, the 23rd January, 1984

S.O. 413.—In exercise of the powers conferred by clause (v) of sub-section (23C) of the Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies (1) Dwarkaddishji Mandir Bet (2) Laxmiji Mandir Bet (3) Radhikaji Mandir Bet (4) Satyabhamaaji Mandir Bet (5) Jambvantiji Mandir (6) Shunkhanarayanji Mandir Bet for the purpose of the said section for the period covered by the assessment years 1964-65 to 1981-82.

[No. 5593/F. No. 197/135/80-IT (AI)]

का० आ० 414:- आपकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23 ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एन्ड्रेड्वारा, उक्त खण्ड के प्रयोजनार्थ, "सोसायटी ऑफ दी फ्रांसिस्कन जूनियरेट होम" को कर निर्धारण-वर्ष 1972-73 से 1975-76 के अंतर्गत आंतवाली अवधि के लिए अधिसूचित करती है।

[सं० 5594/फा० सं० 197/236/82-आ०क० (नि-I)]

आ० के० तिवारी, अवर सचिव

S.O. 414.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Society of the Franciscan Juniorate Home" for the purpose of the said section for the period covered by the assessment years 1972-73 to 1975-76.

[No. 5594/F. No. 197/236/82-IT (AI)]

R. K. TEWARI, Under Secy.

(सीमाणुक एवं केन्द्रीय उत्पादन शुल्क ममाहता का कार्यालय)

मदुरै, 5 जनवरी, 1984

अधिसूचना सं० 2/83

का० आ० 415.—सीमाणुक अधिनियम, 1962 (1962 का 52) की धारा 8(ए) के तहत प्रतिपादित शक्तियों का प्रयोग करते हुए भैं तृतीकोणित पोर्ट के दक्षिणकर्ता नटबंध पर अवस्थित बर्थ सं० 1 पर नीचे दिए गए विवरणों द्वारा माल या माल की किसी भी श्रेणी के लादने और उतारने के लिए उचित स्थान के रूप में घोषित करता हूँ कि :

बर्थ सं० 1 के परिणाम निम्नांकित हैं :—

लबाई 250 मीटर

चौड़ाई 130 मीटर

ड्राफ्ट 10.1 मीटर

सीमाएँ :—

उत्तर : प्रम्मार्वित निर्माणाधीन अनिश्चित बर्थ सं० 2

दक्षिण : दक्षिणी बांध - रेलवे नाइन और सड़क महित

पश्चिम : वी० ओ० मी० वाफ़ तथा अनिश्चित बर्थ में लगा हुआ पोर्ट बेसिन।

पूरब : पोर्ट बेसिन।

[पत्र सं० VIII / 40/4/83-सीमाणुक-II]
के० शंकरारामन, ममाहता

(Office of the Collector of Customs and Central Excise)

Madurai, the 5th January, 1984

NOTIFICATION No. 2/83

S.O. 415.—In exercise of the powers conferred under Section 8(a) of the Customs Act, 1962 (52 of 1962), I declare the Berth No. 1 located at South Break Water-Longside at Tuticorin Port as per details given below as proper place for the unloading and loading of goods or for any class of goods.

The dimensional area in which the Berth No. 1 located is as follows :—

Length 250 metres.

Breadth 130 metres.

Draught 10.1 metres.

BOUNDARIES:

North	Proposed additional berth No. 2 under construction.
South	South Break water—with Railway lines and Road.
West	Port Basin enclosed between V.O.C. wharf and additional berths.
East	Port Basin.

[C. No.VIII/40/4/83-CUS.I]

K. SANKARARAMAN, Collector,

आधिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 20 जनवरी, 1984

का० आ० 416.—प्राविशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री एम० एन० वार्षनेय को किसान ग्रामीण बैंक बदायूँ (उत्तर प्रदेश) का अध्यक्ष नियुक्त करती है तथा 7-12-1983 से प्रारम्भ होकर 31-12-1986 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री एम० एन० वार्षनेय अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 2-69/82-आर०आर०बी०]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 20th January, 1984

S.O. 416.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri M. L. Varshney as the Chairman of Kisan Gramin Bank, Budhaun (U.P.) and specifies the period commencing on the 7-12-1983 and ending with the 31-12-1986 as the period for which the said Shri M. L. Varshney shall hold office as such Chairman.

[No. F. 2-69/82-RRB]

का०आ० 417.—प्राविशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 को उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री एम० जी० देशपांडे को मराठावाड़ा ग्रामीण बैंक, नांदेड़ महाराष्ट्र का अध्यक्ष नियुक्त करती है तथा 2-1-1984 से प्रारम्भ होकर 31-12-1986 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री एम० जी० देशपांडे अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ० 2-24/82-आर०आर०बी०]

एम० एम० हसुरकर, उप सचिव

S.O. 417.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri M. G. Deshpande as the Chairman of Marathawada Gramin Bank, Nanded, Maharashtra and specifies the period commencing on the 2-1-1984 and ending with the 31-12-1986 as the period for which the said Shri M. G. Deshpande shall hold office as such Chairman.

[No. F. 2-24/82-RRB]

S. S. HASURKAR, Dy. Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 25 जनवरी, 1984

का० आ० 418.—यतः, बैंककारी विनियमन अधिनियम, 1949 की धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इथा उसके अनुमार केन्द्रीय सरकार ने बैंक आफ बिहार, लिमिटेड, पटना के भारतीय स्टेट बैंक के साथ विनियम के लिए 5 नवम्बर, 1969 का एक योजना मंजूर की थी।

यतः, उक्त योजना के खण्ड 6 के उपखंड (ix) के अन्वेष भारतीय स्टेट बैंक द्वारा बिहार बैंक लिमिटेड की परिसम्पत्तियों का अन्तिम रूप में मूल्यांकन अपेक्षित था, जो कि निपत्त तारीख से बाहर वर्षों की समाप्ति के पश्चात् निपत्त तारीख को अनन्तिम रूप में मूल्यांकित कर दिया गया है।

यतः, भारतीय स्टेट बैंक, ने यह अध्यायेदन किया है कि बड़ी संख्या में परिसम्पत्तियाँ अन्तर्गत होने और बैंक के प्रधार्मों के बावजूद अधिकार मदों की वूलियाँ असी ताकि होने के कारण बैंक, विनियम योजना के खण्ड 6 के उपखंड (ix) में विनियमित समय के भीतर परिसम्पत्तियों का अन्तिम रूप में मूल्यांकन करने में असमर्थ रहा है।

और यतः, केन्द्रीय सरकार, भारतीय रिजर्व बैंक, में परामर्श करने पर इस बात से मनुष्ट है कि विनियम योजना को लागू करने में कठिनाई पैदा हो गयी है और उतना समय बढ़ा कर जिनमें परिसम्पत्तियों का अन्तिम रूप में मूल्यांकन अपेक्षित है, उक्त कठिनाई को दूर करना जरूरी है।

यतः, अतः, अब, बैंक आफ बिहार लिमिटेड, पटना का भारतीय स्टेट बैंक के भाग विनियम की 5 नवम्बर, 1969 की विनियम योजना के खण्ड 20 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निवेद देती है कि भारतीय स्टेट बैंक, भारतीय रिजर्व बैंक के परामर्श पे तथा उसके जनुमोदन से बैंक आफ बिहार लिमिटेड को उन परिसम्पत्तियों का, जिनकी वस्तुओं और मूल्यांकन नहीं हुआ है, नियन तारीख से पन्द्रह वर्षों की अवधि के भीतर मूल्यांकन करेगा।

[संख्या 17/2/83-बी० ओ०-III]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 25th January, 1984

S.O. 418.—Whereas on 5th November, 1969 a scheme of amalgamation of the Bank of Behar Limited, Patna with the State Bank of India was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Section 45 of the Banking Regulation Act, 1949;

Whereas under sub-clause (ix) of clause 6 of the said scheme, the State Bank of India was required to make a final valuation of the assets of the Bank of Behar Limited,

which have been provisionally valued on the prescribed date, on the expiry of twelve years from the prescribed date.

Whereas the State Bank of India has represented that in view of the large number of assets involved and the recovery of most of the items yet to be realised inspite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of clause 6 of the scheme of amalgamation.

And whereas the Central Government in consultation with the Reserve Bank of India is satisfied that a difficulty has arisen in giving effect to the scheme of amalgamation which it is necessary to remove by extending the time within which the final valuation of assets is required to be made.

Now, therefore, in exercise of the powers conferred by clause 20 of the scheme of amalgamation dated 5th November, 1969 of the Bank of Behar Limited, Patna with the State Bank of India, the Central Government hereby directs that the State Bank of India shall in consultation with and with the approval of the Reserve Bank of India value the assets of the Bank of Behar Limited, Patna which have not been realised and valued, within a period of fifteen years from the prescribed date.

[No. 17/2/83-B.O.III]

का० आ० 419.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की मिफारिण पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 को उपधारा (2) के उपबंध यूनाइटेड बैंक आफ हाँड्या, कलकत्ता पर अधिकृत तारीख से एक वर्ष की अवधि तक उस सीमा तक लागू नहीं होगे, जहाँ तक इनका संबंध मैमर्स एंटरप्राइज, फामास्ट्रिकल्स प्राइवेट कॉर्पोरेशन प्रा० लि० की ऐवर्धारिता से है।

[मं० एक०-15/1/84-बी० ओ०-III]

S.O. 419.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the United Bank of India, Calcutta for a period of one year from the date of the notification in so far as they relate to its holding of shares of M/s. Sterling Pharmaceutical Products Co. Pvt. Ltd.

[No. F-15/1/84-B.O.III]

का० आ० 420.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की मिफारिण पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 15(1) के उपबंध पूर्वाचल बैंक लि० गोहाटी पर वर्ष 1982 के लिए 5 प्रतिशत लाभांश करात्थीन गी घोषणा के सम्बन्ध में लागू नहीं होगे।

[पंख्या 15/2/84-बी० ओ० III]

S.O. 420.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 15(1) of the said Act shall not apply to the Purbanchal Bank Ltd., Gaubati, for declaration of dividend of 5 per cent (subject to tax) for the year 1982.

[No. 15/2/84-B.O.III]

का० आ० 421.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की मिफारिश पर एन्टद्रारा घोषणा करती है कि उक्त अधिनियम की धारा 10 खंड की उपधारा (1) और (2) के उपबन्ध बैंक आफ मदुरे निः मदुरे पर 15 जनवरी 1984 से 14 अप्रैल 1984 के नीन महीनों था जब तक कि उस बैंक के अगले पुण्कालिक अध्यक्ष की नियुक्ति हो, इन में से जो भी पड़ते हों, तक लागू नहीं होंगे।

[संख्या 15/4/84-बी ओ० III]

S.O. 421.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that provisions of sub-sections (1) and (2) of Section 10B of the said Act, shall not apply to the Bank of Madras Ltd., Madurai, for 3 months from 15th January, 1984 to 14th April, 1984 or till the appointment of the next whole-time Chairman of that bank, whichever is earlier.

[No. 15/4/84-B.O. III]

का० आ० 422.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की मिफारिश पर एन्टद्रारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबन्ध प्रिंडले बैंक पी० एन० मी०, कलकत्ता पर इस अधिसूचना की तारीख से 5 नवम्बर 1985 तक उस सीमा तक लागू नहीं होंगे, जहाँ तक इनका संबंध गिरवीदार (प्लैजी) के रूप में कलकत्ता रेस्टोरेंट नेविगेशन का निः 30 की प्रतिशत से अधिक की शैरधारिता में है।

[संख्या एफ० 15/3/84-बी० ओ० III]

एन०डौ० बत्रा०, अवरमन्त्रिव

S. 422.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the Grindlays Bank p.l.c., Calcutta, upto the 5th November, 1985 from the date of notification insofar as they relate to its holding of more than 30 per cent shares in the Calcutta Steam Navigation Co. Ltd. as pledgee.

[No. 15/3/84-B.O.III]

N. D. BATRA, Under Secy.

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 11 फरवरी, 1984

का० आ० 423.—केन्द्रीय सरकार नियंत्रित (व्हालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए

इस अधिसूचना के उपावधि में यथा विनिर्दिष्ट रूपलेप तथा सम्बद्ध वस्तुओं के संबंध में मानक संस्थान प्रमाणीकरण चिन्ह को यह दूरीतन करने के प्रयोगजन के लिए भास्त्यता देने का प्रस्ताव करती है कि जहाँ रूपलेप तथा सम्बद्ध वस्तुओं के छिप्पों या पैकेजों पर ऐसे चिन्ह लगाए या चिपकाए जाने हैं वहाँ यह समझा जाएगा कि वे अधिनियम की धारा 6 के अधीन उन पर लागू मानक विनिर्देशों के अनुरूप हैं;

केन्द्रीय सरकार ने उन्हें नियंत्रित (व्हालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार नियंत्रित निरीक्षण परिषद् को भेज दिया है;

अन: केन्द्रीय सरकार उक्त नियमों के नियम 11 के उपनियम (2) के अनुसरण में उक्त प्रस्तावों को उनसे संभव्यतः प्रभावित होने वाले लोगों की जानकारी के लिए प्रकाशित करती है।

यह सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई अक्षेप या भुक्ताव भेजना चाहता है तो उन्हे इस आदेश के सरकारी गाजेट पर प्रकाशित होने की तारीख में पैनलीम दिनों के भीतर भारतीय नियंत्रित निरीक्षण परिषद् 'प्रगति टावर' (11 बी मजिन), 26, राजेन्द्र प्लैस, नई दिल्ली-110008, को भेज सकता है।

3. इस आदेश में रूपलेप तथा सम्बद्ध वस्तुओं से इस आदेश के उपावधि में यथा विनिर्दिष्ट रूपलेप तथा सम्बद्ध वस्तुएँ अभिप्रेत हैं।

उपावधि

- (1) नैयार मिश्रित रूपलेप तथा मधी प्रकार के इतेमन जिनके अंतर्गत प्राइमर फिलर, अंडर-कोटिंग, तथा फिनिशिंग भी हैं;
- (2) सभी प्रकार की बारनीशें (प्राकृतिक लाख या मजिनिट या ढांचों से बनाई गयी) जिनके अंतर्गत उण्मांगीधी बारनीशें भी हैं;
- (3) सभी प्रकार के प्लाइस्टिक के इमल्शन रूपलेप;
- (4) फिलर, प्राइमर या भरफेसर सहित नाइट्रो-मेल्यूलोज लेकर, सादी या रंग मिली हुई;
- (5) पेस्ट रूपलेप तथा पेस्ट डिस्ट्रिप्टर;
- (6) सुखे डिस्ट्रिप्टर, चूना, रंग और रंग;
- (7) सीमेट रूपलेप;
- (8) रूपलेप के लिए पतला करने वाला पदार्थ;
- (9) रूपलेप के लिए सप्लाई लाख;
- (10) रूपलेप के लिए परिशोधित तेल या रूपलेप के लिए गुणक या अंधेगुणक तेल;

(11) विट्मिनम कोटिंग ;
 (12) एल्युमिनियम पेस्ट।

[फाइल सं० 6/17/83-ई आई एण्ड ई पी]

MINISTRY OF COMMFRCE
ORDER

New Delhi, the 11th February, 1984

S.O. 423.—Whereas the Central Government in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) proposes to recognise the Indian Standard Institution Certification Mark in relation to Paints and Allied Products as specified in Annexure to this notification for the purpose of denoting that where the Cartons or Packages containing paints and allied products are affixed or applied with such mark, they shall be deemed to be in conformity with the standard specification applicable thereto under section 6 of the Act;

And whereas the Central Government forwarded the same to Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of sub-rule (2) of rule 11 of the said rule Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty-five days of the publication of this order in the Official Gazette to the Export Inspection Council of India, 'Pragati Tower', (11th floor), 26, Rajendra Place, New Delhi-110008.

3. In this order 'Paints and Allied Products' shall mean the Paints and Allied products as specified in Annexure to this order.

ANNEXURE

- (i) Ready-Mixed paints and enamel of all types including primers, fillers, under-coating and finishing;
- (ii) Varnishes of all types (prepared from natural resins or synthetic resins or both) including insulating varnishes;
- (iii) Plastic emulsion pain-staff all types;
- (iv) Nitrocellulose lacquers, clear or pigmented including fillers, primers or surfacers;
- (v) Paste paints and paste distempers;
- (vi) Dry distempers, lime colours and colours;
- (vii) Cement paints;
- (viii) Thinners for paints;
- (ix) Synthetic resins for paints;
- (x) Processed oils for paints or drying or semidrying oils for paints;
- (xi) Bituminous Coatings;
- (xii) Aluminium paste.

[F. No. 6/17/83-EI&EP]

आदेश

का०आ० 424—केन्द्रीय सरकार की नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, परिषद् में परामर्श करने के पश्चात् यह राय है कि भारत

के नियति व्यापार के विकास के लिए तेज़ करना आवश्यक तथा समीचीन है कि गैस मिलेंडरों का नियति से पूर्व क्वालिटी नियंत्रण और निरीक्षण बिया जाए।

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीत्रि विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें नियति (व्यालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार नियति निरीक्षण परिषद् को भेज दिया है;

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में और भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 2304 तारीख 16 जुलाई, 1977 तथा का०आ० 1088 तारीख, 31 मार्च, 1979 को अधिकान्त करते हुए, उक्त प्रस्तावों को इस निर्देश के साथ प्रकाशित करती है कि उक्त प्रस्तावों पर कोई अधिकैप या सुझाव भेजने का हच्छक कोई भी व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशित की तारीख से पैताली स दिनों के भीतर भारतीय नियति निरीक्षण परिषद्, 11 की मंजिल, प्रगति द्वारा, 26, गजेन्द्र प्लैस, नई दिल्ली-110008 के परिषद् कार्यालय को भेज सकता है।

प्रस्ताव

1. यह अधिसूचित करना कि गैस मिलेंडर नियति में पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;
2. क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आदेश के उपांचंद्र में दिए गए गैस मिलेंडर नियति (क्वालिटी नियंत्रण और निरीक्षण) के नियम, 1983 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार के स्पष्ट में विनिर्दिष्ट करना जो नियति में पूर्व ऐसे गैस मिलेंडरों को लागू होगा;
3. राष्ट्रीय और अन्तर्राष्ट्रीय मानकों और नियति निरीक्षण परिषद् द्वारा मान्यता प्राप्त अन्य निकायों के मानकों को गैस मिलेंडरों के लिए मानक विनिर्देशों के स्पष्ट में मान्यता देना;
4. अन्तर्राष्ट्रीय व्यापार के दोगन, ऐसे गैस मिलेंडरों के नियति को तब तक प्रतिपिछ करना जब तक कि उनके साथ नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित या मान्यता प्राप्त अभिकरणों में से किसी एक द्वारा दिया गया इस आशय का प्रमाणपत्र न हो कि ऐसे गैस मिलेंडर क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करते हैं और नियतियोग्य हैं या उन पर उक्त अधिनियम, की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त चिन्ह या सील लगा हो।

2. इन अदेश को कोई बात भावी क्रेतारीं को सुमित्रा या वायु मार्ग द्वारा गैस सिलेंडर के वाराकिक भगतों के निर्यात को नाम नहीं होती।

3. ये आदेश में "गैस मिलेंडर" से ऐसा कोई गैस मिलेंडर जो संपीड़ित गैसों के भंडारणकरण तथा परिवहन के लिए आण्डित नीचे सूखा-बहु है और जिसकी क्षमता 500 मिलीलीटर में अधिक परन्तु 100 लीटर से अधिक नहीं है तथा जिसे किसी विशेष परिवहन तथा यान के साथ जोड़े जाने के लिए डिजाइन नहीं किया गया है, अभिप्रेत है:

- (1) तरल गैसों के भंडार तथा परिवहन के लिए अल्प कार्बन स्टील मिलेंडरों;
- (2) धीमा दबाव तरल गैस के लिए 5 लीटर जल क्षमता से अधिक का बेल्ड किए हुए धीमा कार्बन स्टील गैस मिलेंडर;
- (3) बोर्डिंग पर अस्ति विरोध प्रयोजनों के लिए सीवर रहित कार्बन डाइआक्साइड सिलेंडर;
- (4) दोबाग न भरे जाने वाले तरल पैट्रोलियम गैस मिलेंडर;
- (5) धीमा दबाव जल गैसों के लिए 5 लीटर जल क्षमता से अनधिक के बेल्ड किए हुए धीमा कार्बन ग्रीटील गैस मिलेंडर;
- (6) स्थायी तथा उच्च दबाव तरल गैसों के लिए स्थायी तथा सीवनहीन गैंगनीज स्टील मिलेंडर;
- (7) बेल्ड किया हुआ धीमा कार्बन स्टील विघटित एमोटिलन गैस मिलेंडर;
- (8) अमोनिया (निर्जलीय) गैस के लिये बेल्ड किए हुए अल्प कार्बन स्टील मिलेंडर;
- (9) क्लोरीन गैस के लिए किया हुआ बेल्ड धीमा कार्बन स्टील गैस मिलेंडर; तथा
- (10) मैथाइल ब्रोमाइड गैस के लिए बेल्ड किए हुए कम कार्बन के स्टील गैस मिलेंडर।

उपार्वन्त्र

[प्रम्माणों का पैराग्राफ (2) वेक्ट्रिया]

नियात (क्वान्टिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के उपर्युक्त (2) के खंड (घ) के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्राप्तप।

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम गैस सिलेंडर का नियात (क्वान्टिटी नियंत्रण और निरीक्षण) नियम, 1983 है;

(2) ये राजान्त में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएँ : इन नियमों में जब तक कि सदर्भ में अन्यथा अपेक्षित न हो,—

- (क) "अधिनियम" से नियात (क्वान्टिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) अभिप्रेत है;
- (ख) "अभिकरण" में अधिनियम की धारा 7 के अधीन बम्बई, कलकत्ता, कांचीपुर, दिल्ली और मद्रास में स्थापित काई एक अभिकरण अभिप्रेत है;
- (ग) "परिशिष्ट" से इन नियमों का परिशिष्ट अभिप्रेत है;
- (घ) "परिपद्" से अधिनियम की धारा 7 के अधीन स्थापित नियात निरीक्षण परिपद् अभिप्रेत है;
- (ङ) इस आदेश में "गैस मिलेंडर" से ऐसा कोई गैस मिलेंडर जो संपीड़ित गैसों के भंडारणकरण तथा परिवहन के लिए आण्डित नीचे सूखा-बहु है और जिसकी क्षमता 500 मिलीलीटर में अधिक परन्तु 100 लीटर से अधिक नहीं है तथा जिसे किसी विशेष परिवहन तथा यान के साथ जोड़े जाने के लिए डिजाइन नहीं किया गया है, अभिप्रेत है;
- (1) तरल गैसों के भंडार तथा परिवहन के लिए अल्प कार्बन स्टील मिलेंडरी;
- (2) धीमा दबाव तरल गैस के लिए 5 लीटर जल क्षमता से अधिक का बेल्ड किए हुए धीमा कार्बन स्टील गैस मिलेंडर;
- (3) बोर्डिंग पर अस्ति विरोध प्रयोजनों के लिए सीवर रहित कार्बन डाइआक्साइड सिलेंडर;
- (4) दोबाग न भरे जाने वाले तरल पैट्रोलियम गैस मिलेंडर;
- (5) धीमा दबाव तरल गैसों के लिए 5 लीटर जल क्षमता से अनधिक के बेल्ड किए हुए धीमा कार्बन स्टील गैस मिलेंडर;
- (6) स्थायी तथा उच्च दबाव तरल गैसों के लिए स्थायी तथा सीवनहीन गैंगनीज स्टील मिलेंडर;
- (7) बेल्ड किया हुआ धीमा कार्बन स्टील विघटित एमोटिलन गैस मिलेंडर;
- (8) अमोनिया (निर्जलीय) गैस के लिए बेल्ड किए हुए अल्प कार्बन स्टील मिलेंडर;
- (9) क्लोरीन गैस के लिए किया हुआ बेल्ड धीमा कार्बन स्टील गैस मिलेंडर, तथा
- (10) मैथाइल ब्रोमाइड गैस के लिए बेल्ड किए हुए कार्बन के स्टील गैस मिलेंडर,

(च) "अनुसूची" से निम्नों से उपावद संतर्म अनुसूची अभिप्रेत है।

3. निरीक्षण का आधार: निर्गति के लिए गैस मिलेंडर का निरीक्षण इस दस्ति से किया जाएगा कि गैस मिलेंडर अधिनियम की द्वारा 6 के अधीन बंद्रीय भरकाद द्वारा मान्यता प्राप्त विनिर्देशों के अनुसूच हैं अर्थात् शास्त्रीय और अंतर्राष्ट्रीय मानकों तथा नियति निरीक्षण परिषद द्वारा मान्यताप्राप्त अन्य नियायों के मानकों द्वारा यह सुनिश्चित करते हुए कि गैस मिलेंडरों का विनिर्माण इस अधिसूचना के परिशिष्ट में धूमा विनिर्दिष्ट उत्पादन के दौरान आवश्यक क्वालिटज नियंत्रण का प्रयोग करके किया गया है।

4. निरीक्षण का प्रकार: (1) गैस मिलेंडर के परेषण का नियाति करने का इच्छुक नियातिकर्ता नियति संविदा या आदेश या आकलन के पत्र की एक प्रति के साथ संविदात्मक विनिर्देश का योग देने हुए अभिकरण को लिखित सूचना देगा जिससे कि अभिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) ऐसे गैस मिलेंडर के नियाति के लिए जिनका विनिर्माण परिशिष्ट में अधिकारित उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण का प्रयोग करके और परिषद द्वारा इस पर्योजन के लिए रजिस्टर विशेषज्ञों के पैनल द्वारा यह न्याय नियोगत करके कि उत्पादन के दौरान पर्निट में पर्याप्त क्वालिटी नियंत्रण दिलें हैं, किया गया है, नियातिकर्ता उप-नियम (1) में उल्लिखित सूचना के साथ यह पौष्ट्रण भोकरेगा कि नियाति के लिए आशयित गैस मिलेंडरों के परेषण का विनिर्माण परिशिष्ट में अधिकारित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग करके किया गया है और परेषण इस प्रयोजन के लिए मान्यता प्राप्त भालक विनिर्देशों के अनुसूच है।

(3) नियातिकर्ता अभिकरण को नियाति किए जाने वाले परेषण पर लगाए जाने वाले पहचान चिन्ह भी देगा।

(4) ऊरोका उप-नियम (1) के अन्वेषन प्रत्येक सूचना विनिर्माता के पासबर से परेषण के भेजे जाने से कम मेर कम यात दिन पूर्व दो जाएगो।

(5) उप-नियम (1) के अधीन सूचना और उप-नियम (2) के अधीन घोषणा, यदि कोई हो, प्राप्त होने पर अधिकरण विनिर्माण की प्रक्रिया के दौरान अपना यह समाधान कर नहीं पर कि विनिर्माता ने परिशिष्ट में अधिकारित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है और इस प्रयोजन के लिए मान्यता प्राप्त

मानक विनिर्देशों के अनुसूच उत्पाद का विनिर्माण करने के संबंध में परिषद अभिकरण द्वारा जारी किए गए अनुदेशों, यदि कोई हो, का पालन किया गया है तीन दिन के भीतर यह घोषणा करने द्वारा प्रमाण-पत्र जारी करेगा कि गैस मिलेंडर का परेषण नियाति योग्य है। जहाँ विनिर्माता विधातिकर्ता नहीं है, वहाँ भी परेषण का औनिक स्पष्ट में सत्यापन किया जाएगा और ऐसा सत्यापन और या निरीक्षण जो आवश्यक हो, अभिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपरोक्त ग्रन्तों का पालन किया गया है :

परन्तु अभिकरण नियाति के लिए आशयित कुछ परेषणों की स्थल पर ही जांच करेगा और उक्त एककों द्वारा अपनायी गयी उत्पादन के दौरान क्वालिटी नियंत्रण ड्रिलों की पर्याप्तता का सत्यापन करने के लिए नियमित अन्तरालों पर विनिर्माण एकक में जाएगा। यदि यह पाया जाता है कि उक्त एकक ने विनिर्माण के किसी भी प्रक्रम पर अपेक्षित क्वालिटी नियंत्रण उपायों का प्रयोग नहीं किया है या परिशिष्ट/अभिकरण की सिफारिशों का अनुपालन नहीं किया है तो यह घोषणा कर दी जाएगी कि यूनिट के पास उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण ड्रिलें नहीं हैं और ऐसे मामलों में यूनिट उत्पादन के दौरान क्वालिटी नियंत्रण ड्रिलों की पर्याप्तता को बनाए रखने के अधिनियम के लिए किर से आवेदन करेगा।

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं होता है वहाँ यह घोषित करने हुए कि गैस मिलेंडर का परेषण नियाति योग्य है, प्रमाण-पत्र जारी करने से इंकार कर देगा और ऐसे इंकार किए जाने की सूचना नियातिकर्ता को उसके कारणों सहित सात दिनों के भीतर दे दी जाएगी।

(6) उस दशा में जहाँ विनिर्माता उप-नियम (5) के अधीन नियातिकर्ता नहीं है अभिकरण परेषण के निरीक्षण के तुरन्त पश्चात परेषण के पैकेजों को इस ढंग से सीलबंद करेगा कि मोलबंद पैकेजों के साथ छेड़छाड़ न की जा सके।

परेषण की अस्वीकृति की दशा में यदि नियातिकर्ता ऐसा चाहे तो अभिकरण के लिए यह आवश्यक नहीं है है कि परेषण सीलबंद किया जाएगा तथा ऐसे मामलों में नियातिकर्ता अस्वीकृति के विरुद्ध अपील करने का हकदार नहीं होगा।

5. मान्य चिन्ह लगाना तथा उसकी प्रक्रिया:—
भारतीय मानक संस्थान (प्रमाणन चिन्ह) अधिनियम, 1952 (1952 का 36) भारतीय मानक संस्थान (प्रमाणन चिन्ह) नियम 1955 तथा भारतीय मानक संस्थान (प्रमाणन चिन्ह) विनियम 1955 के उपांच गैस मिलेंडर पर मुहर या मान्य चिन्ह लगाने की प्रक्रिया के सम्बन्ध जहाँ तक हो सके वहाँ तक लागू हींगे।

6. निरीक्षण का स्थान :—इन नियमों के अधीन प्रत्येक निरीक्षण ऐसे उत्पाद के विनिर्माता के परिसर पर किया जाएगा।

7. निरीक्षण फीसः—विनिर्माता/निर्यातकर्ता अधिकरण की प्रति परेपण न्यूनतम 20 रुपए के अधीन रहने हुए, पोत पयन्त निःशुल्क मूल्य के 0.20 प्रतिशत की दर से निरीक्षण फीस देगा।

निरीक्षण फीस पर 10 प्रतिशत की दर से छूट राज्यों/सभ राज्य क्षेत्रों की संबंधित सरकारी के पांच रजिस्ट्रीड्रूत विनिर्माण एकांकों को दी जाएगी।

अपेक्षा : (1) नियम 4 के उ 1 नियम 5 के अधीन प्रमाण-पत्र देने से इंकार किए जाने से व्यक्ति कोई ब्रूक्टिंग ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त कम से कम तीन और अधिक से अधिक सात व्यक्तियों के पैनल को अपील कर सकता है।

(2) विशेषज्ञ के पैनल को कुल सदस्यता के कम से कम दो निहाई मद्दम्; गैर-सरकारी चुने जाएंगे।

(3) विशेषज्ञ के पैनल को गण्डूति तीन सदस्यों से होंगी।

(4) अपील प्राप्त होने के पश्चात् दिन के भीतर निपटाई जाएगी।

परिणाम

(अधिसूचना के नियम 3 के अंतर्गत देखिए)

गैम मिनेंडर का प्रत्येक विनिर्माता गैम मिनेंडर का क्वलिटी नियंत्रण इसमें उत्पादक अनुसूची में दिए हुए नियंत्रण के स्तरों सहित उत्पादक की पैकिंग तथा परीक्षण, विनिर्माण के विभिन्न प्रक्रमों पर निम्नलिखित नियंत्रणों का प्रयोग करने हुये सुनिश्चित करेगा।

1. क्रय की गयी सामग्री तथा संघटकों का नियंत्रणः—

(क) विनिर्माता प्रयुक्त किए जाने वाली सामग्री या संघटकों की विशेषता तथा सहेयताओं महिन विस्तृत विमाओं को समाविष्ट करने हुए क्रय विनिर्देश अधिकथित करेगा।

(ख) स्वीकृत परेपणों के साथ या तो क्रय विनिर्देशों की अपेक्षाओं की संपुष्टि करने हुए उत्पादन का परीक्षण प्रमाण-पत्र होगा या ऐसे परीक्षण प्रमाण-पत्र के न होने पर, क्रय विनिर्देशों में इसकी अनुसूचना की जाँच करने के लिए प्रत्येक परेपण में से नमूनों की निर्यात जांच की जाएगी। उत्पादन के परीक्षण प्रमाण-पत्र की

सुचना को सत्यापन करने के लिए पांच परेपणों में से कम भी कम एक की पुनः जांच की जाएगी।

(ग) आने वाले परेपणों का निरीक्षण आर परोक्षण सांख्यिकी नमूना योजना के अनुसार क्रय विनिर्देशों में अनुसूचना सुनिश्चित करने के लिए किया जाएगा।

(घ) निरीक्षण या परीक्षण के पश्चात् त्रुटियों के निपटान तथा पूरककरण के लिए व्यवस्थित पद्धतियाँ अपनाई जाएंगी।

(ङ) उगांकल नियन्त्रणों के संबंध में पर्याप्त अभिलेख व्यवस्थित रूप से रखे जाएंगे।

2. प्रक्रिया नियंत्रण :—(क) विनिर्माता विनिर्माण का विभिन्न प्रक्रियाओं के लिए व्यारंबार प्रक्रिया विनिर्देश अधिकथित करेगा।

(ख) प्रक्रिया विनिर्देश में अधिकथित प्रक्रियाओं को नियंत्रित करने के लिए उपस्कर या उपचारणों की पर्याप्त सुविधाएँ होंगी।

(ग) प्रक्रमित सामग्री की प्रक्रिया विनिर्देशों के साथ अनुसूचना की जांच के लिए नमूना (जहाँ कहीं अपेक्षित हो) अभिलेखित अन्वेषण पर आधारित होंगा।

(घ) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों का सत्यापन करने के लिए पर्याप्त अभिलेख रखे जाएंगे।

3. उत्पाद नियंत्रण :—(क) मानक विनिर्देशों के अनुसार उत्पाद का परीक्षण करने के लिए विनिर्माता के पास या तो अपनी परीक्षण सुविधाएँ होंगी या उसकी पहुंच वहाँ तक होंगी जहाँ एसी सुविधाएँ विद्यमान हैं।

(ख) परीक्षण के लिए नमूना (जहाँ कहीं भी अपेक्षित हो) अभिलेखित अन्वेषण पर आधारित होगा।

(ग) किए गए परीक्षण के संबंध में विनिर्माता पर्याप्त अभिलेख नियमित तथा व्यवस्थित रूप में रखेंगा।

4. माप—प्रदृष्टि नियंत्रण :—(क) उत्पादन आर निरीक्षण में प्रयुक्त गेजों तथा उपकरणों की कालिक जांच या अंशांशोधन किया जाएगा तथा अभिलेख वृत्त कार्ड के रूप में रखे जाएंगे।

5. परिरक्षण नियंत्रण :—(क) उत्पाद को मौसमी परिस्थितियों के प्रतिकूल प्रभाव से सुरक्षित करने के लिए विनिर्माता द्वारा व्यारंबार विनिर्देश अधिकथित किए जाएंगे।

(ख) उत्पाद भंडारकरण और अभिवहन दोनों के दोरान अच्छी प्रकार में परिरक्षण रखा जाएगा।

6. पैकिंग नियंत्रण :—उत्पादों की पैकिंग के साथ ही निर्यात पैकेज के लिए विनिर्देश अधिकथित किए जाएंगे और उनका कठोरता से पालन किया जाएगा।

अनुसूची

(परिशिष्ट देखिए)

क्रम सं.	निरीक्षण/परोक्षण का विषयरण	अपेक्षाएं	नमूने का आकार	लाट आकार	टिप्पणी
(1)	(2)	(3)	(4)	(5)	(6)

1. कच्चा माल तथा क्रय किए गए

संघटक नियंत्रण

(क) स्टील की चद्दरें, स्टील मानक का फीता विलट, फ्लैट विनिर्देशों के साथ रहित ट्यूबें, अनुसार

एक

दस क्रमिक ताप संख्याएं

(क) मामान्यत : प्रत्येक उपमा के संबंध में सभी लाटों के साथ स्टील मेकर का माल परोक्षण प्रमाणपत्र लगा हाना चाहिए। मामरी विश्लेषण के लिए प्रत्येक दस क्रमिक उपम संख्याओं में से एक नमूने की प्रति जांच की जाएगी।

(ख) वाल्व, वाल्व पैड, डाट यथोक्त माल तथा सुरक्षात्मक घंटों के अपरी तथा निकाने रिंग, आदि

प्रत्येक

विनिर्माता के शिक्रेता मूल्यांकन योजना तथा अभिर्नेखन अन्वेषणों के आधार पर नियत किया जाएगा।

(ख) आपूर्ति के साथ विनिर्माता का परख प्रमाण पत्र लगा होना चाहिए अभिलेखित अन्वेषणों पर नियत किए गए नमूनों के आधार पर आपूर्ति की प्रति जांच होनी चाहिए।

(i) प्रक्रिया नियंत्रण वैलिंग पीलल/सेदक/टंकाई, यथोक्त प्रत्येक गङ्गाई दबाव/गरम या ठंडा आरेखन।

प्रत्येक प्रक्रिया के लिए, विनिर्माता के प्रत्येक स्तर पर चाक्षुप तथा साप पद्धति निरीक्षण विदु के लिए विस्तृत प्रक्रिया पत्र लिखा होनी चाहिए, विशेषता जहां बाव की अवस्थाएं कच्चे माल का मूल्य कीमत की अस्वीकृति निपेद है।

1	2	3	4	5	6
(ii) उसकी कार्यक्रमता आधार पर संचालन को बंद करने से पहले सिलेंडर का परीक्षण।	मानक विनिर्देशों पर अनुसार	प्रत्येक	—	—	—
(क) दांबार को मोटाई (ख) बेलनीय ढांचों की गोलाई तथा किनारे के सिर (ग) बाहरी तथा आन्तरिक सतही दोष (घ) सिरों की पार्श्वक नियमितता (ङ) जोड़ों पर आपीट्रा (च) आन्तरिक लेपित/उपयुक्त तरल/रसायन निरूपण के साथ निरूपित सतह	यथोक्त	प्रत्येक	—	—	
(iii) उपमा उपचार	यथोक्त	प्रत्येक	—	—	—
(iv) एकम-रे, चित्रण परीक्षण (जहाँ कहीं लागू तथा अपेक्षित ही)	यथोक्त	प्रत्येक	—	अस्वीकृति की दशा में मानक विनिर्देशों में दी गयी पूर्ति लागू की जाएगी।	—
(v) द्रवस्थैतिक खिचाव (जहाँ कहीं लागू हो)	यथोक्त	प्रत्येक	—	—	—
(vi) रिसाव परख	यथोक्त	प्रत्येक	—	—	—
(vii) द्रवचालित दबाव परख (जहाँ कहीं लागू हो)	यथोक्त	प्रत्येक	—	—	—
(viii) विस्फोट परख	यथोक्त	एक	सुरक्षात् मानक विनिर्देशों में परिभाषित के अनुसार प्रत्येक बैच	अस्वीकृत की दशा में, येष बैच को सुसंगत मानक विनिर्देशों के अनुसार तिया जाएगा। (1) तरल गैसों के भंडार-करण तथा परिवहन के लिए कार्बन स्टील सिलेंडर, (2) अग्नि शामक प्रयोजन के लिए सीबरहित कार्बन डायक्साइड सिलेंडर की दशा में पहले बैच का नए डिजाइन का केबल एक सिलेंडर का द्रवस्थैतिक परख किया जाएगा तब तक वह फट न जाए।	—
(ix) द्रवचालित खिचाव परख	यथोक्त	एक	50,000 या कम	गैर रिफिलेबल तरल पैट्रोलियम गैस आधारों के लिए लागू हैं।	—

1	2	3	4	5	6
(x)	दाव परख	मानक विनिर्देशों के अनुसार	एक	50000 या कम	उपरोक्त (iv) में रिसाव इस दशा में लागू नहीं किया जाएगा। तथापि प्रत्येक भरा हुआ आधान सम्बद्ध भारतीय मानक विनि- देश में दिए गए के अनुमार रिसाव के निए निरीक्षित किए जाएंगे।
(xi)	विस्फोट परख	यथोक्त	एक	यथोक्त	--
(xii)	जल क्षमता (जहाँ कहीं लागू हो)	• यथोक्त	एक	प्रत्येक भ्रमता के सिलेंडरों का एक दिन का उत्पादन	
(xiii)	उठाई व्यवस्था के लिए परख (जहाँ कहीं लागू हो)	यथोक्त	एक	यथोक्त	
III. अनुमोदन परीक्षण					
	(उपरोक्त) के आधार पर यथोक्त	एक	मुमंगल मानक विनिर्देशों के अस्वीकृति की दशा में शेष का अनुमार प्रत्येक बैच		
	निम्नलिखित परीक्षण किए जाएंगे)		परीक्षण मुमंगल मानक विनिर्देश में दिए गए तंग के अनुगार किया जाएगा।		
(1)	तनन परख				
(2)	बैल्ड जोड़ परख				
(3)	झुकाव परख				
(4)	माइक्रो परीक्षण				
(5)	मेक्रो परीक्षण				
(6)	न्यूनतम मोटाई				
(7)	प्लेट सामग्री पर तनन परख				
(8)	तनन परख (प्लेट सामग्री पर झुकाव परख)				
(9)	बैल्ड जोड़ तनन परख				
(10)	खांचा झुकाव परख				
(11)	घुमाव परख तिरछा बैल्ड				
(12)	खांचेदार छड़ का संधात (चार्पी) परख				
(13)	गर्दन से मोड़ने पर गहराई का परीक्षण				
IV. अंकन					
	यथोक्त	प्रत्येक	--	--	
V. प्रेषण के लिए उपक्रम					
	यथोक्त	यथोक्त	--	--	

टिप्पणी:—भारत सरकार के गैस बिलेडर नियमों—1981 के अधीन कानूनी (विस्फोट मुख्य नियंत्रक) कानूनी प्राधिकारी द्वारा समय-समय पर निर्धारित किसी भी अवेद्या का विनियता द्वारा भी अनुमरण किया जाएगा।

[फाईल सं. 6(8)/83-ई आई एण्ड ई वी]

ORDER

S.O. 424.—Whereas, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Council, is of opinion that it is necessary and expedient so to do for the development of the export trade of India that Gas Cylinders should be subjected to quality control and inspection prior to export;

And whereas, the Central Government has formulated proposals mentioned below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now therefore, in pursuance of the said sub-rule and in supersession of the notification of Government of India in the Ministry of Commerce No. S.O. 2304 dated the 16th July, 1977 and S.O. 1088 dated the 31st March, 1979, the Central Government hereby publishes the said proposals with the direction that any objection or suggestion which any person may like to offer on the said proposals may be sent to the Council within forty-five days of the date of publication of this Order to the office of the Council at Export Inspection Council of India, 11th floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSAL

- (1) To notify that the Gas Cylinders shall be subject to quality control and inspection prior to export;
- (2) To specify the type of quality control and inspection in accordance with the draft Export of Gas Cylinders (Quality Control and Inspection) Rules, 1983 set out in Annexure to this Order as the type of quality control and inspection which shall be applied to such Gas Cylinders prior to export;
- (3) To recognise National and International Standards and standards of other bodies recognised by the Export Inspection Council as the standard specifications for the Gas Cylinders;
- (4) To prohibit the export in the course of international trade of such Gas Cylinders unless the same are accompanied by a certificate issued by any of the agencies recognised or established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the Gas Cylinders satisfy the conditions relating to quality control and inspection and are exportworthy or carry a mark or seal recognised by the Central Government under section 8 of the said Act.

2. Nothing in this Order shall apply to the export by land, sea or air of bona fide samples of Gas Cylinders to prospective buyers.

3. In this Order, "Gas Cylinder" shall mean any gas container as listed hereunder intended for the storage and transportation of compressed gases having a volume exceeding 500 millilitre but not exceeding 1000 litres and designed not to be fitted to a special transport or under carriage:

- (i) Low carbon steel cylinders for the storage and transportation of liquefiable gases;
- (ii) Welded low carbon steel gas cylinder exceeding 5 litre water capacity for low pressure liquefiable gases;
- (iii) Seamless carbon dioxide cylinder for fire fighting purpose on boardship;
- (iv) Non refillable liquefied petroleum gas containers;
- (v) Welded low carbon steel gas cylinder for low pressure liquefiable gases, not exceeding 5 litre water capacity;
- (vi) Seamless manganese steel cylinders for permanent and high pressure liquefiable gases;

- (vii) Welded low carbon steel dissolved acetylene gas cylinders;
- (viii) Welded low carbon steel gas cylinders for ammonia (anhydrons) gas;
- (ix) Welded low carbon steel gas cylinder for chlorine and
- (x) Welded low carbon steel gas cylinders for methyl bromide gas.

ANNEXURE

[See paragraph (2) of the proposals]

Draft rules proposed to be made under clause (d) of sub-section (2) of section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)

1. Short title and commencement:—(1) These rules may be called the Export of the Cylinders (Quality Control and Inspection) Rules, 1983;
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions.—In these rules unless the context otherwise requires—
 - (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
 - (b) "Agency" means anyone of the agencies established under section 7 of the Act at Bombay, Calcutta, Cochin, Delhi and Madras;
 - (c) "Appendix" means an appendix to these rules;
 - (d) "Council" means the Export Inspection Council established under section 3 of the Act;
 - (e) "Gas Cylinder" means any gas container as listed hereunder intended for the storage and transportation of compressed gases having a volume exceeding 500 millilitre but not exceeding 1000 litres and designed not to be fitted to a special transport or under carriage
 - (i) Low carbon steel cylinders for the storage and transportation of liquefiable gases;
 - (ii) Welded low carbon steel gas cylinder exceeding 5 litre water capacity for low pressure liquefiable gases;
 - (iii) Seamless carbon dioxide cylinder for fire fighting purpose on boardship;
 - (iv) Non refillable liquefied petroleum gas containers;
 - (v) welded low carbon steel gas cylinder or low pressure liquefiable gases, not exceeding 5 litre water capacity;
 - (vi) Seamless manganese steel cylinders for permanent and high pressure liquefiable gases;
 - (vii) Welded low carbon steel dissolved acetylene gas cylinders;
 - (viii) Welded low carbon steel gas cylinders for ammonia (anhydrons) gas;
 - (ix) Welded low carbon steel gas cylinder for chlorine gas;
 - (x) Welded low carbon steel gas cylinders for methyl bromide gas;
 - (f) "Schedule" means the Schedule appended to these rules.
3. Basis of inspection.—Inspection of Gas Cylinders for export shall be carried out with a view to seeing that the Gas Cylinders conform to the specification recognised by the Central Government under section 6 of the Act, namely, National and International Standard and Standards of other

bodies recognised by the Export Inspection Council by ensuring that the Gas Cylinders have been manufactured by exercising necessary inprocess quality control as specified in Appendix to this notification.

4. Procedure of Inspection—(1) An exporter intending to export a consignment of Gas Cylinders shall give an intimation in writing to the Agency furnishing therein details of the contractual specification alongwith a copy of the export contract or order or letter of credit to enable the Agency to carry inspection in accordance with rule 3;

(2) For export of Gas Cylinders manufactured by exercising adequate inprocess quality control as laid down in the Appendix and the manufacturing unit adjudged as having adequate inprocess quality control drills by a Panel of Experts constituted by the Council for this purpose, the exporter shall also furnish along with the intimation mentioned in sub-rule (1) a declaration that the consignment of the Gas Cylinders intended for export has been manufactured by exercising adequate quality control as laid down in the Appendix and that the consignment conforms to the standard specification recognised for the purpose.

(3) The exporter shall furnish to the agency the identification marks applied on the consignment to be exported.

(4) Every intimation under sub-rule (1) above shall be given not less than three days prior to the despatch of the consignment from the manufacturer's premises.

(5) On receipt of the intimation under sub-rule (1) and the declaration, if any, under sub-rule (2) the agency shall on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality controls as laid down in the Appendix and followed the instructions if any, issued by Council/Agency in this regard to manufacture the product to conform to the standard specifications recognised for the purpose within three days, issue a certificate declaring the consignment of the Gas Cylinders as exportworthy. Where the manufacturer is not the exporter, the consignment shall be physically verified and such verification and/or inspection as necessary shall be carried out by the Agency to ensure that the above conditions are complied with;

Provided that the Agency shall conduct the spot-check of some of the consignments meant for export and also visit the manufacturing unit at regular intervals to verify the maintenance of the adequacy of inprocess quality control drills adopted by the said unit. If the said unit is found not adopting the required quality control measures at any stage of manufacture does not comply with the recommendations of the Council/Agency, the unit shall be declared as not having adequate inprocess quality control drills. In such cases, the unit shall apply afresh for adjudgement of the maintenance of adequacy of inprocess quality control drills:

Provided that where the Agency is not so satisfied, it shall refuse to issue a certificate to the exporter declaring the consignment of Gas Cylinders as exportworthy and shall communicate such refusal within seven days to the exporter along with the reason therefor.

(6) In case where the manufacturer is not the exporter under sub-rule (5), the Agency shall, immediately, after inspection of the consignment, seal the packages in the consignment in such manner as to ensure that the sealed packages cannot be tampered with. In case of rejection of the consignment, if the exporter so desire, it shall not be necessary for the Agency to seal the consignment and in such cases, the exporter shall not be entitled to prefer any appeal against the rejection.

5. Affixation of recognised mark and procedure thereof—The provisions of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955 shall, so far as may apply in relation to the procedure of affixation of the recognised mark or seal on Gas Cylinders.

6. Place of Inspection—Every inspection under these rules shall be carried out at the premises of the manufacturer of such products.

7. Inspection fee—The inspection fee at the rate of 0.2 per cent of f.o.b. value subject to minimum of Rs. 20/- per consignment shall be paid by the manufacturer/exporter to the agency.

A rebate of 10 per cent on the rate of inspection fee shall be given to small scale units registered with the concerned State Government or Union Territories.

8. Appeal—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (5) of rule 4 may within 10 days of the receipt of the communication of such refusal, prefer an appeal to a Panel of Experts constituting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) A minimum of two-third of the total membership of the Panel of Experts shall consist of non-officials.

(3) The quorum for the Panel of Experts shall be three.

(4) The appeal shall be disposed off within fifteen days of its receipt.

APPENDIX

[See under rule 3 of the notification]

Every manufacturer of Gas Cylinders shall ensure quality control of the Gas Cylinders by effecting the following controls at different stages of manufacture, prevention and packing of the products as laid down below together with the levels of control as set down in the Schedule appended hereto.

1. Bought out materials and components control :

(a) Purchase specification shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.

(b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirements of the purchase specifications or in the absence of such test certificate, samples from each consignment shall be regularly tested to check up its conformity in the purchase specifications. The Producer's test certificate shall be counterchecked at least once in five consignments to verify the correctness.

(c) The incoming consignment shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plans.

(d) After inspection and tests are carried out, systematic methods shall be adopted for proper segregation and disposal of defectives.

(e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

2. Process Control—(a) Detailed process specifications shall be laid down by the manufacturers for various processes of manufacture.

(b) Equipment and instrumentation facilities shall be adequate to control the process as laid down in the process specification.

(c) Sampling (wherever required) for checking the conformity of the processed materials with the process specifications shall be based upon the recorded investigation.

(d) Adequate records shall be mentioned enable the verification of the controls adopted during the process of manufacture.

3. Product Control.—(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the Standard Specification.

(b) Sampling (where required) for testing shall be based on recorded investigations.

(c) Adequate records in respect of test carried out shall be regularly and systematically maintained by the manufacturer.

4. Meteorological control.—Gauges and instruments used in the production and inspection shall be periodically

checked and records shall be maintained in the form of history cards.

5. Preservation Control.—(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather condition.

(b) The product shall be well preserved both during storage and during transit.

6. Packing Control.—Specifications shall be laid down for packing the product(s) and as well for export packages and the same shall be strictly adhered to.

SCHEDULE
(See Appendix)

Sr. No.	Particulars of Inspection/Test	Requirement	Sample size	Lot Size	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
I. RAW MATERIAL AND BOUGHT OUT COMPONENTS CONTROL					
	(a) Steel sheets, steel strips, As per standard One Bilets, Flats Seamless Tubes. specification		Ten consecutive heat numbers	(a) Normally all the lots shall be accompanied by material test certificates from steel maker in respect of every heat. One Sample out of every ten consecutive heat numbers shall be counter checked for material analysis	
	(b) Valves, Valve pads, Bung material or Bungs, safety relief devices top and bottom rings, etc.	-do-	Each	To be fixed on the basis of recorded investigation and vendor evaluation system of the manufacturer.	(b) The supplies should be accompanied by the manufacturer's test certificate. Counter checking of the supplies should be done on the basis of sampling to be fixed on recorded investigation.
II. PROCESS CONTROL					
	(i) Welding / Brazing / Piercing Soldering / Forging / Pressing/ Hot or Cold drawing.	-do-	Each		For each process, detailed process sheets should be laid down for visual and metrological inspection points at each stage of manufacture, particularly where the cost of raw material prohibits rejection at a later stage.
	(ii) Examination of Cylinder before closing in operating depending upon the applicability:		Each		
	(a) Wall thickness				
	(b) Circularity shall and the skirt portion of the ends				
	(c) External & Internal surface defects				
	(d) The profile regularity of the ends				
	(e) Offsets at the Joints				
	(f) Internally coated / surface treated with appropriate lacquer/chemical treatment				
	(iii) Heat Treatment	-do-	Each	—	
	(iv) Radiographic examination (wherever applicable and required)	-do-	Each	—	In case of failures the repairs as given in the standard specification shall be applicable.

(1)	(2)	(3)	(4)	(5)	(6)
	(v) Hydrostatic Stretch (wherever applicable)	-do-	Each	—	—
	(vi) Leakage Test	-do-	Each	—	—
	(vii) Hydraulic Pressure Test (Wherever applicable)	-do-	Each	—	—
	(viii) Bursting Test	-do-	One	Each Batch as defined in the relevant standard specification.	In case of failures, retesting of the batch can be carried out in the manner as provided in the relevant standard specifications In case of (i) Carbon Steel Cylinders for the storage and transportation of liquefiable gases and (ii) Seamless Carbon Dioxide Cylinder for fire fighting purpose only one cylinder of the first batch made to new design shall be subject to internal hydrostatic pressure till it bursts.
	(ix) Hydraulic Stretch Test	-do-	One	50000 or less	Applicable for Non-refillable liquefied petroleum gas containers. Leakage at (vi) above will not be applicable in this case. However each filled container should be tested for leakage as provided in the relevant Indian standard specified.
	(x) Pressure Test	-do-	One	-do-	
	(xi) Bursting Test	-do-	One	-do-	
	(xii) Water capacity (Wherever applicable)	-do-	One	One days production of cylinders of each capacity	
	(xiii) Test for lifting arrangements (wherever applicable)	-do-	One	-do-	
III. ACCEPTANCE TESTS					
	(Depending upon the applicability following tests shall be carried out).	-do-	One	Each batch as defined in the relevant standard specification.	In case of failure, retesting of the batch can be carried out in the manner as provided in the relevant standard specification.
	(i) Tensile test				
	(ii) Weld Joint Test				
	(iii) Bend Test				
	(iv) Micro examination				
	(v) Macro examination				
	(vi) Minimum thickness				
	(vii) Tensile test on plate material				
	(viii) Bend test on Plate material				
	(ix) Weld joint tensile Test				
	(x) Nicked Bend test				
	(xi) Bend test across weld				
	(xii) Notched bar impact (charpy) tests				
	(xiii) Examination of depth of folding at neck				
IV. MARKING					
V. PREPARATION FOR DESPATCH					

NOTE: Any requirement prescribed from time to time by the Statutory Authority (Chief Controller of Explosives) Under Gas Cylinder Rules 1981 of Government of India shall also be followed by the manufacturers.

का०आ० 425.—केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्से पेस्ट कंट्रोल कैमिकल्स, मेन-रोड़, कन्नावरीथोटा, गुन्टुर को एल्युमीनियम फासफाइड का निम्नलिखित मदों के लिए धुमक के रूप में प्रयोग करते हुए धूमिकरण के लिए अधिकरण के रूप में एक वर्ष की अवधि के लिए मान्यता देती है :—

1. तेल रहित चावल की भूसी ; और
2. पिसी हुई हड्डियाँ, खुर और सींग।

[मिसिल सं० 5/12/83-ई आई एण्ड ई पी]

S.O. 425.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year M/s. Pest Control Chemicals, Main Road, Khannawarithota, Guntur as an agency for the fumigation, using Aluminium Phosphide as a fumigant for the following items :—

1. De-oiled Rice Bran; and
2. Crushed Bones, Hooves and Horns.

[F. No. 5/12/83-EI & EP]

का०आ० 426.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्से जे० बी० पोडा भैरीन एण्ड जनरल सर्वे एजेन्सीज प्राइवेट लिमिटेड, मेकर भवन, 1, सर विठ्ठलदास, थैकरसे मार्ग, बम्बई-400020, को निर्यात से पूर्व उपावन्ध अनुसूची में विनिश्चित खनिज और अवस्क प्रूप के निरीक्षण के लिए अधिकरण के रूप में एक वर्ष की और अवधि के लिए एतद्वारा मान्यता देती है।

अनुभूची

1. फेरोमैग्नीज के धातुमूल सहित फेरोमैग्नीज
2. निस्तप्त बोक्साइड सहित बोक्साइड
3. मैग्नीज आयनसाइड
4. कायनाइट
5. सिलीमेनाइट
6. सन्केन्द्रित जिक सहित कच्चा जिक
7. परिदध और निस्तप्त मैग्नेसाइट, सहित मैग्नेसाइट
8. बेराइट्स
9. लाल आम्साइड
10. पीला गैरिक
11. सेलखड़ी
12. स्फटीव (फैल्डसपार)

[मि० मं० 5/6/79-ई० आई० एण्ड ई० पी०]

S.O. 426.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby recognises for a further period of one year M/s. J. B. Boda Marine & General Survey Agencies Private Limited, Maker Bhavan, 1, Sir, Vithaldas Thackersey Marg, Bombay-400020, as an Agency for the inspection of Minerals and ores specified in Schedule annexed hereto prior to export.

SCHEDULE

1. Ferromanganese, including ferromanganese slag.
2. Bauxite, including calcined bauxite.
3. Manganese Dioxide.
4. Kyanite
5. Sillimanite
6. Zinc Ores, including zinc concentrates
7. Magnesite, including dead burnt and calcined magnesite
8. Barytes
9. Red Oxide
10. Yellow Ochre
11. Steatite
12. Feldspar.

[F. No. 5/6/79-EI&EP]

पृष्ठि पत्र

नई दिल्ली, 18 फरवरी, 1984

का०आ० 427.—भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (ii) तारीख 15 अक्टूबर, 1983 के पृष्ठों 3978-79 पर प्रकाशित वाणिज्य मंकालय की अधिसूचना सं० का०आ० 3915 तारीख 15 अक्टूबर, 1983 में—

पृष्ठ 3979 पर जहाँ कहीं, 'बेचे दा भीट' है के स्थान पर 'बीच डीमर' पढ़िए।

[सं० 6(30)/76-ई० आई० एण्ड ई० पी०]
सी०धी० कुकरेती, संयुक्त निवेशक

CORRIGENDUM

New Delhi, the 18th February, 1984

S.O. 427.—In the notification of the Ministry of Commerce No. S.O. 3915 dated October 15, 1983 published in the Gazette of India, Part II, Section 3, sub-section (ii) dated October 15, 1983 at Page No. 3978-79,—

At page 3979—for 'Beche-De-Meat' read 'Beche-de-mer' wherever occurs.

[No. 6 (30)/76-EI&EP]
C.B. KUKRETI, Joint Director

(मुख्य नियंत्रक, आयात एवं निर्यात का कार्यालय)
आदेश

नई दिल्ली, 20 अगस्त, 1984

का०आ० 428.—श्री प्रदीप मेहता, 396/16, सुदेश नार्थ एवेन्यू, सान्ताकुञ्ज वेस्ट, बम्बई को पूंजीगत माल मशीनरी के आयात के लिए 91,700/- रुपए का आयात लाइसेंस सं० पी० मीजी/2087041 दिनांक 16-5-83 प्रदान किया गया है।

2. अब आवेदक ने लाइसेंस सं० पी/सी० जी/2087041 दिनांक 16-5-83 की सीमा-शुल्क प्रयोजन/मुद्रा विनिमय नियंत्रण प्रतियों की अनुलिपि प्रति जारी करने के लिए इस आधार पर अनुरोध किया है कि मूल प्रतियों किसी भी सीमा-शुल्क प्राधिकारी के पास पंजीकृत कराए बिना और बिल्कुल भी उपयोग में लाए बिना ही खो गई है। आवेदक इस बात से सहमत है और बचत देता है कि यदि बाद में उपर्युक्त लाइसेंस की मूल सीमा-शुल्क प्रयोजन प्रति/मुद्रा विनिमय नियंत्रण प्रतियों मिल गई तो उन्हें इस कार्यालय को रिकार्ड के लिए लौटा देंगे।

3. अपने तर्क के समर्थन में आवेदक ने 1983-84 की आयात-निर्यात क्रियाविधि हैडबुक की कंडिका 353 में यथाअपेक्षित एक शपथ पत्र दाखिल किया है। अधोहस्ताक्षरी सतुष्ट है कि मूल सीमा-शुल्क प्रयोजन प्रति/मुद्रा विनिमय नियंत्रण प्रति दिनांक 16-5-83 खो गई है और निवेश देता है कि आवेदक को उपर्युक्त लाइसेंस की सीमा-शुल्क प्रयोजन प्रति/मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति जारी की जाए। उपर्युक्त आयात लाइसेंस की सीमा-शुल्क प्रयोजन/मुद्रा विनिमय नियंत्रण प्रति की मूल प्रतियों एतद्वारा रद्द की जाती हैं।

4. आयात लाइसेंस सं० पी/सीजी/2087041 दिनांक 16-5-83 की सीमा-शुल्क प्रयोजन/मुद्रा-विनिमय नियंत्रण प्रतियों की अनुलिपि प्रतियों अलग से जारी की जा रही हैं।

[सं० 2061/82/38/आई०एन०एस०ए०/सी जी/IV/769]

एम० एल० भार्गव, उप-मुख्य नियंत्रक, आयात एवं निर्यात कुले मुख्य नियंत्रक, आयात एवं निर्यात

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 20th January, 1984

S.O. 428.—Shri Pradeep Mehta, 396/16 Sudesh North Avenue, Santacruz West, Bombay have been granted import licence No. P/CG/2087041 dated 16th May, 1983 for Rs. 91,700 for import of capital goods machinery.

2. The applicant has now requested for issue of duplicate copy of Customs purpose/Exchange Control Copies of Licence No. P/CG/2087041 dated 16th May, 1983 on the ground that the original copies have been lost without having been registered with any custom authorities and not utilised at all. The applicant agrees and undertakes to return the original Customs Purpose Copy/Exchange Control Copies of the above licence if traced later to this office for record.

3. In support of his contention the applicant has filed affidavit as required in para 353 of the Hand Book of Import-Export Procedures 1983-84. The undersigned is satisfied that the original Customs Purposes Copy/Exchange Control Copy dated 16th May, 1983 have been lost and directs that duplicate copy of the Customs Purpose Copy/Exchange Control Copy of the above licence should be issued to the applicant. The original copies of the Customs Purposes/Exchange Control Copy of the above import licence are hereby cancelled.

4. Duplicate copies of the Customs Purposes/Exchange Control Copies of the import licence No. P/CG/2087041 dated 16th May, 1983 are being issued separately.

[No. 2061/82/38/INSA/CG IV/769]

M. L. BHARGAVA, Dy. Chief Controller
of Imports and Exports.
for Chief Controller of Imports and Exports.

संयुक्त मुख्य नियंत्रक आयात तथा निर्यात का कार्यालय

मद्रास, 23 नवम्बर, 1983

रद्दीकरण आदेश

विषय:—आयात (नियंत्रण) आदेश 1955 के धारा

9 (1) (ए) के अंतर्गत रूपये 14,33,974/- के एक अतिरिक्त लाइसेंस संख्या पी/वी/0357982 दिनांक 21-1-83 और रूपये 5,00,000/- के दो स्प्लिट अप लाइसेंस संख्या पीवी/0357983 दिनांक 21-1-83 तथा 0357984 दिनांक 21-1-83 के रद्दीकरण।

का०आ० 429:—सर्वेश्वी श्री जयम काशयुनेट्स, कम्पनी 22, कुम्बकोनम रोड़, पनरोट्टी 607106 को अप्रैल-मार्च 1983 अवधि के लिए, अप्रैल-मार्च 1983 आयात नीति के पैरा 186 में दर्शाई गयी अनुमेय मदों का आयात करने के लिए, रूपये 14,33,974/- के एक अतिरिक्त लाइसेंस संख्या पीवी/0357982/सी/एक्सएक्स/86 / एम / 81 / 1.1 दिनांक 21-1-83 और रूपये 5,00,000/- के दो स्प्लिट अप लाइसेंस संख्या पीवी/0357983, 0357984/सी/एक्सएक्स/86/एम/81/1.1 दिनांक 21-1-83 जारी किये गये थे। ये लाइसेंस 1981-82 के दौरान किये गये निर्यात के तथा उनको निम्नलिखित लघु पैमाने एककों की कन्साटंगम के आधार पर जारी किये गये निर्यात सदन प्रमाण पत्र संख्या 14/261/81/टीपी. 3/1871 दिनांक 25-2-1982 के मद्दे जारी किये गये थे।

(1) सर्वेश्वी श्री जयम काशयुनेट्स कम्पनी, 22, कुम्बकोनम रोड़, पनरोट्टी 607106 ।

(2) सर्वेश्वी एम. वी. राममूर्ति एण्ड सन्स, 9, वी.सी.सी. स्ट्रीट, पनरोट्टी,

(3) सर्वेश्वी टी० एम० राजमाणीकम चेट्टीयार एण्ड कम्पनी, 12, वी० सी० सी० स्ट्रीट, पनरोट्टी,

(4) सर्वेश्वी टी० आर० वेंगटाचलम चेट्टी, कुम्बकोनम रोड़, पनरोट्टी-607106,

(5) सर्वेश्वी उवासवी एण्ड कम्पनी, 106, बंगला स्ट्रीट, पनरोट्टी,

(6) सर्वेश्वी श्री अभीरामी काशयु ट्रेडर्स, 33, राम-स्वामी गीडर स्ट्रीट, पनरोट्टी,

(7) सर्वेश्वी श्री अण्णपूर्णी, 49, कुम्बकोनम रोड़, पनरोट्टी-607106

(8) सर्वेश्वी श्री आर पान्नुरंगन 6, चप्पानी चेट्टी स्ट्रीट, पनरोट्टी

उसके बाद नियंत्रित दस्तावेजों की जांच करने से पता आया कि जो उनके कथन के अनुसार भुने हुए और नमकीन किये गये काजू और उनकी गिरी का नियंत्रण 1981-1982 के दौरान किया गया था उनका विवरण नियंत्रित दस्तावेजों में प्रति बिस्मिल न थी। अतः उनकी उर्ध्यमुक्त घोषणा मिथ्या है।

इसके अनावा, जो नियंत्रित का दावा उर्ध्यमुक्त सात लघु पैमाने के एककों की कन्सार्टिंग के आधार पर किया गया था, वे नियंत्रित, कन्सार्टिंग के द्वारा नहीं किया गया है बल्कि सदृश एकहीं के द्वारा किया गया है। लेकिन कन्सार्टिंग नियंत्रित सदृश ने अतिरिक्त लाइसेंस को प्राप्त कर लिया है।

उर्ध्यमुक्त सात लघु पैमाने के एककों की किसी भी नियंत्रित दस्तावेजों में सर्वश्री जयम काशयनेट्स कम्पनी का नाम नहीं है। अन्य सात लघु पैमाने के एककों के नियंत्रित के आधार पर अतिरिक्त लाइसेंस के लिए जो दावा कन्सार्टिंग नियंत्रित सदृश ने किया है वह गलत है। यह मूल्य को अधिक दिखाकर छूटी सनदी लेखापाल प्रमाणपत्र तैयार करने और छूटी घोषणा देने के बाबत हैं जो समय समय पर संशोधित आयात (नियंत्रण) आदेश 1955 के उपबंधों को आकर्षित करते हैं। विषयाधीन लाइसेंस असावधानी से जारी करने के कारण आयात (नियंत्रण) आदेश 1955 की धारा 9(1) (ए) के अंतर्गत आवेदक को यह पूछते हुए कि उनको जारी किये गये उर्ध्यमुक्त अतिरिक्त लाइसेंस तथा स्पिलट अप लाइसेंस को क्यों न रद्द कर दिया जाये एक कारण बताओ नोटिस संख्या अतिरिक्त लाइसेंस /2/काशयनेट्स/ 81-82/एएम. 83/आरईपी-4 दिनांक 24-3-82 जारी किया गया था। अपने मामले को स्पष्ट करने, आवेदक को वैयक्तिक सुनवाई के लिए भी 12-4-83 तक अवकाश दिया गया था।

न तो इस दफ्तर में उपलब्ध दस्तावेजों से और न तो आवेदक से प्रस्तुत किए गए गवाही और स्पष्टीकरणों से यह स्पष्ट हुआ कि उनसे किए गए नियंत्रित जिनके मद्देते अतिरिक्त लाइसेंस और स्पिलट अप लाइसेंस जारी करने के लिए दावा किया गया था, कन्सार्टिंग के नाम पर है और 1981-82 के तीन पुस्तक के परिशिष्ट 22 में दर्शाई गयी अनुमेय भुने हुए और नमकीन किये गये काजू और उनकी गिरी नहीं हैं। यह भी स्पष्ट है कि उन्होंने तथ्यों की मिथ्या-ध्यापन करके अतिरिक्त लाइसेंस प्राप्त किया है:

पहले जो कुछ कहा जा चुका है उसे देखते हुए, अधोस्ताक्षरी आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-55 के यथा मंशोधित धारा 9 (1) (ए) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए, सर्वश्री श्री जयम काशयनेट्स कम्पनी, संख्या 22, कुम्बकोनम रोड पनरोट्टी-607106 को कन्सार्टिंग के आधार पर जारी किये गये उर्ध्यमुक्त रूपये 14,33,974/- 5,00,000/- 5,00,000/- के आतरिक्त और स्पिलट अप लाइसेंस संख्या पी वी/ 0357982, पी वी/ 0357983 और पी वी/ 0357984/सी/एक्स एक्स/86/एएम/81/ 1/ 1, 1 दिनांक 21-1-83 का एतद्वारा रद्द करता है।

[सं० : अतिरिक्त लाइसेंस/2/काशय/81-82/एएम/83 आरईपी 4]

एस० नरसिंहन, उप मुख्य नियंत्रक, आयात नियंत्रित करने संरक्षित मुख्य नियंत्रक, आयात-नियंत्रित।

(Office of the Joint Chief Controller of Imports & Exports
No. 3, Vijayaraghava Road, T. Nagar)

Madras, the 23rd November, 1983

CANCELLATION ORDER

Subject.—Cancellation of Additional Licence No. PV/0357982 and split up licence No. PV/0357983 and 0357984 dated 21st January, 1983 for Rs. 14,33,974, Rs. 5,00,000 and Rs. 5,00,000 respectively under clause 9(1)(a) of Import (Control) Order 1955.

S.O. 429.—An additional licence No. PV/0357982/C/XX/86/M/81/I. I dated 21st January, 1983 for Rs. 14,33,974 and 2 split up licence No. PV/0357983, 0357984/C/XX/86/M/81 I. I dated 21st January, 1983 for Rs. 5 lakhs each for import of items permissible as per para 186 of AM 83 policy were issued to M/s. Sree Jayam Cashewnuts Co, 22, Kumbakonam Road, Panruti-607106 for the licensing period April—March 1983 against exports effected during 1981-82 and Export House Certificate No. 14/261/81/EP. III/1781 dated 25th February, 1982 issued to them as a consortium of SSI units consisting of 1. M/s. Shree Jayam Cashewnuts Co., 22, Kumbakonam Road, Panruti-607106. 2. M/s. V. Rama Moorthy & Sons, 9, V.C.C.St. Panruti-607106 3. M/s. T. S. Rajamanickam Chettiar & Co., 12, V.C.C.St. Panruti, 4. M/s. T. R. Venkatachalam Chetty, Kumbakonam Road, Panruti-607106, 5. M/s. Sri Vasavi & Co., 106, Bunglow St., Panruti, 6. M/s. Sri Abirami Cashew Traders, 33, Ramasamy Gounder St. Panruti, 7. M/s. Annapurani, 49, Kumbakonam Road, Panruti-607106, 8. M/s. Sri R. Pandurangan, 6, Chappani Chetty St., Panruti.

2. Therefore on verification of export documents it was found that the item said to have been exported as Cashew Kernels Roasted/salted was not reflected in their export documents pertaining to the exports of 1981-82 and hence the declaration given as Cashew Kernels/Roasted/salted is false.

3. Besides, the exports claimed by them in respect of seven SSI units referred to above were not direct exports made by Consortium Export House and they were all indirect exports made by individual member-units and the Addl. licence obtained by them directly as a consortium Export House. The name of M/s. Sree Jayam Cashewnuts Co. is not appearing in any of the export documents of the said seven SSI units. The claim of Additional licence in favour of Consortium Export House on the basis of exports of other seven SSI units is wrong. It amounts to fabrication of Chartered Accountants' Certificate with inflated value and a false declaration which attracts the provisions of Imports (Control) Order, 1955 as amended from time to time. In view of the fact that the licences in question were issued inadvertently, a show cause notice No. Addl. Lic./2/Cashews/81-82-AM83/REP-IV dated 24th March, 1983 was issued to the firm asking them to Show Cause as to why the aforesaid Additional Licence and split up licences issued in their favour should not be cancelled in terms of Clause 9(1)(a) of Import (Control) Order, 1955. A personal hearing also was issued to them on 12th April, 1983.

4. Neither documents already available in this Office nor evidences/explanations offered by the firm proved that exports effected by them and claimed by them for issue of Addl. licence/split up licences stand in the name of the Consortium and were not Cashew Kernels Roasted/Salted as permissible under Appendix 22 of Policy Book for 1981-82. It was also clear that they had obtained the Addl. Licence by misrepresentation of facts.

5. Having regard to what had been stated above, the undersigned in exercise of the powers vested in him under clause 9(1)(a) of the Imports (Control) Order, 1955 dated 7th December, 1955 as amended from time to time hereby cancel the above cited Additional licence and split up licences Nos. PV/0357982, PV/0357983 and PV/0357984/C/XX/86/M/81 I. I dated 21st January, 1983 issued for Rs. 14,33,974, Rs. 5,00,000 and Rs. 5,00,000 respectively in favour of M/s. Sree Jayam Cashewnuts Co., No. 22, Kumbakonam Road, Panruti-607106 as Consortium Export house.

[No. Addl. Lic. 2/Cashew/81-82/AM83/REP IV]

S. NARASIMHAN, Dy. Chief Controller
of Imports & Exports
For Jt. Chief Controller of Imports & Exports.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 24 जनवरी, 1984

का०आ० 430.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के अनुसरण में बनाए गए समय-समय पर संघोधित भारतीय दंत परिषद के विधान को अधिसूचित करने के बारे में तत्कालीन स्वास्थ्य मंत्रालय, भारत सरकार की 12 अप्रैल, 1949 की अधिसूचना संख्या एफ० 10-10/48-एम-1 को केन्द्रीय सरकार एतदारा आम सूचना के लिए पुनः प्रकाशित करती है :—

संख्या 10-10/48-एम-1 दिनांक 12 अप्रैल, 1949—केन्द्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के अनुसरण में निम्नलिखित सदस्यों से भारतीय दंत परिषद का गठन करते हैं, अर्थात् :—

क्रम सं०	नाम और पता	निर्वाचित अथवा मनोनीत	निर्वाचित अथवा मनोनीत करने वाली प्राधिकारी	निर्वाचित/मनोनीत की तारीख
(1)	(2)	(3)	(4)	(5)
	धारा 3 के परन्तुक के साथ पठित खंड (क) के अन्तर्गत निर्वाचित	निर्वाचित	तमिलनाडु दंत परिषद	11-1-1979
1.	डा० जे० जी० कनप्पन, एम. डी. एस. “सेनबागम इल्लयम” 109 डा० राधाकृष्णन, सालाई माहलोपोर, मद्रास-600004	निर्वाचित	उत्तर प्रदेश दंत परिषद	2-11-1977
2.	डा० एन० कौ० अग्रवाल, बी०डी०एस०, एम०एस० (य०एस०ए०) डी०८, दंत विज्ञान संकाय, किंग जार्ज मेडिकल कालेज, लखनऊ-226003	निर्वाचित	पश्चिम बंगाल दंत परिषद	23-9-1981
3.	डा० विमल चन्द्र बेरा, बी०एस०-सी०, बी०डी०एस०, एम०डी०एस०, ८-नंग प्रणश्ची रोड, कलकत्ता	निर्वाचित	दिल्ली दंत परिषद	20-10-1982
4.	डा० प्रदीप जैना, बी० डी०एस०, एम० डी० एम० डी०डी०ओ०, आर० सी० एस०, (ग्लासगो) अवैतिक महासचिव, भारतीय दंत संघ, एम-75 कनाट सकेम, नई दिल्ली	निर्वाचित	पंजाब दंत परिषद	21-12-1972
5.	डा० जे० सी० मनचन्दा, एल० डी० एस०, आर० री० एस० (इंग०) सी-37, वेस्टेंड कालोनी, राब तुलागम मार्ग, नई दिल्ली-110021	निर्वाचित	पंजाब दंत परिषद	12-10-1982
6.	डा० निरंजन सिंह यादव, एम० डी० एस०, ३.३.८६७, मुल्तान बाजार, हैदराबाद-500027	निर्वाचित	आंध्र प्रदेश दंत परिषद	

1	2	3	4	5
7.	डा० पी० एस० देसाई, एल० डी० एम० सी० (बोर्डे), इन गर्जन, स्टेण रोड, धारवाह-580007 (कर्नाटक)	निर्वाचित	कर्नाटक दंत परिषद	4-10-1976
8.	डा० पी० डी० दीवानजी, एल० डी० एम० सी०, " पितळाया " २१- स्थास्तिक सोसायटी, एस० एस० रोड नं० २, जुहू डेकलपमेंट स्कीम, विले पार्लॅ, बम्बई-400056	निर्वाचित	महाराष्ट्र दंत परिषद	2-10-1971
9.	डा० एन० के० गांधी, बी० डी० एस०, एम० डी० एम० १६-ए०, भारती गोसायटी, नाशी आई० हास्पिटल इलिसग्रिज के सामने, अहमदाबाद-380006	निर्वाचित	गुजरात दंत परिषद	13-4-1981
10.	डा० के० बालाकृष्णन नाथर, एम० डी० एस० ओरल सर्जरी के महायक प्रोफेसर, दंत चिकित्सा विभा, मेडिकल कालेज, विवेन्द्रम-695011 धारा ३ के खण्ड (ख) के अंतर्गत निर्वाचित	निर्वाचित	केरल दंत परिषद	1-10-1977
11.	डा० मृताव नन्दी एफ० एम० एम० ई०, एफ० सी० जौ० पी० (आई०) जौ० पी०, ५५ए०, वालिजुगे प्लेम, कलकत्ता-700019 धारा ३ के खण्ड (ग) के अंतर्गत निर्वाचित	निर्वाचित	भारतीय आयुर्विज्ञान परिषद	26-3-1983
12.	डा० एस० टी० तानिम, एम० डी० एस० डीन, नायर अस्पताल, डेंटल कालेज, डा० ए० एल० नायर रोड, बायकुल्ला, बम्बई-400008	निर्वाचित	डेंटल संस्थाओं के प्रमुखों में से	17-7-1981
13.	डा० के० मार्याद, बी० एम० सी० बी० डी० एम० एम० एम० (यू० एम० ए०) डीन, गवर्नर्सैट डेंटल कालेज एंड अस्पताल, न्यू सिविल अस्पताल अहमदाबाद-380016	निर्वाचित	डेंटल संस्थाओं के प्रमुखों में से	17-7-1983
14.	डा० बी० पी० राजन, १ [।] बी० एम० सी०, बी० डी० एम० एम० डी० एम०, प्रिमिपल, मद्रास डेंटल कालेज, कोट नेल्वे स्टेणन के सामने मद्रास-600003	निर्वाचित	डेंटल संस्थाओं के प्रमुखों में से	6-2-1979

1	2	3	4	5
4.	डा० एस० एस० खेड़ा, बी० डी० एस०, एम० डी० एस०, निदेशक, डेंटल स्टडीज कालेज आफ डेंटल सर्जरी, कस्तूरबा मेडिकल कालेज, मणिपाल (कर्नाटक) धारा 3 के खण्ड (घ) के अंतर्गत निर्वाचित	निर्वाचित	डेंटल संस्थाओं के प्रमुखों में से	3-9-1983
1.	डा० (श्रीमती) अमृत तिवारी, एम० डी० एस० प्रोफेसर एवं प्रमुख, दर चिकित्सा विज्ञान, स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, सैकटर-12, चंडीगढ़-160012	निर्वाचित	पंजाब विश्वविद्यालय	5-4-1982
2.	डा० एम० जी० मुतुकुमार स्वामी, एम० एस०, एफ० आई० सी० एम०, प्रोफेसर, किल्पाक मेडिकल कालेज, मद्रास-600010	निर्वाचित	मद्रास विश्वविद्यालय	27-4-1978
3.	डा० बी० के० खन्ना, बी० डी० एस०, एम० डी० पृ०, प्रधान, डेंटल विग, गवर्नरमेंट मेडिकल कालेज, पटियाला-147001	निर्वाचित	पंजाबी विश्वविद्यालय	24-12-1982
4.	डा० बी० गोदाधरी, एम० डी० एस० प्रिसिपल, गवर्नरमेंट डेंटल कालेज एवं अस्पताल, अफजलगंज हैदराबाद-500012 (आ० प्र०)	निर्वाचित	उस्मानिया विश्वविद्यालय	31-3-1982
5.	डा० के० महादेव, आर्योपाडिक सर्जन, नं० 606, महेश नर्मिंग होम, हविल रोड, मैसूरु-570001 (कर्नाटक)	निर्वाचित	मैसूर विश्वविद्यालय	24-9-1982
6.	डा० बी० आर० आर० थर्मी, बी० डी० एस०, एम० डी० एस०, विशेष अधिकारी, डेंटल कालेज मेडिकल कालेज, पी० ओ० कालीकट-8 (केरल)	निर्वाचित	केरल विश्वविद्यालय	18-4-1981
7.	डा० बी० गोवर्धन डेंगडे, एम० डी० पृ०, नं० 12 बासपा रोड, शान्तिनगर, बंगलौर-560027	निर्वाचित	बंगलौर विश्वविद्यालय	29-3-1983
8.	डा० आर० पी० सिह, एम० डी० एस० प्रिसिपल, पटना डेंटल कालेज एवं अस्पताल, अगमकुआ पटना-800007	निर्वाचित	पटना विश्वविद्यालय	6-12-1980
9.	डा० वाई० एन० सक्सेना, एम० डी० एस० लेक्चरर, कालेज आफ इंस्टिट्यू टन्डौर-452001	निर्वाचित	इन्दौर विश्वविद्यालय	29-3-1982

1	2	3	4	5
10.	डॉ. एस० आर० जोशी, एस० डी० एस०, प्रोफेसर आफ आयोडिटिक, गवर्नर्मैट डैंटल कालेज, एवं अस्पताल, असर्वा, अहमदाबाद-380016	निर्वाचित	गुजरात विश्वविद्यालय	2-5-80
11.	डॉ. के० एस० गिल, एस० डी० एस०, प्रिस्पिपल, पंजाब गवर्नर्मैट डैंटल कालेज, एवं अस्पताल, अमृतसर-143001	निर्वाचित	गुरु नानक विश्वविद्यालय	26-3-1983
12.	डॉ. ए० टी० विकिंगी, बी० डी० एस०, एस० डी० एस० डीन, गवर्नर्मैट डैंटल कालेज एवं अस्पताल नागपुर-440003	निर्वाचित	नागपुर विश्वविद्यालय	23-10-82
13.	डॉ. रामदास एस० पाई, मेडिकल निदेशक, दि० कम्प्युटर एडिकल कालेज, एवं अस्पताल, मणिपाल-576119 (कर्नाटक) धारा 2 के परन्तुक के साथ पठित खंड (इ) के अधीन नामांकित	निर्वाचित	मंगलौर विश्वविद्यालय	21-3-82
1.	डॉ. पी० रामचन्द्र रेड्डी, एस० डी० एस०, ओग्ल मेडिसिन तथा रेडियोलोजी के प्रोफेसर सरकारी दंत चिकित्सा कालेज एवं अस्पताल, हैदराबाद	नामांकित	आंध्र प्रदेश सरकार	20-8-83
2.	डॉ. बी० आर० भृद्यां एस० बी० बी० एस०, बी० डी० एस०, एस० डी० एस०, सिलपुखुरी, जी० एन० बारदोलाई रोड, गोहाटी-781003	नामांकित	असम सरकार	1-8-82
3.	डॉ. पी० आई० जान, एस० डी० एस०, मंयुक्त निदेशक, चिकित्सा शिक्षा निदेशालय, चिकित्सा कालेज कैम्पस, विवेन्द्रम-695011 (केरल)	नामांकित	केरल सरकार	9-8-83
4.	डॉ. बी० के० चौधरी, बी० डी० एस० दंत चिकित्सा कालेज एवं अस्पताल, आगमकूआं पटना-800007	नामांकित	बिहार सरकार	1-7-83
5.	डॉ. बी० मुश्ताण्यन, बी० एस० मी०, एस० डी० एस० (एन० जैड०) मंयुक्त निदेशक, चिकित्सा शिक्षा और अनुमंधान (दंत चिकित्सा), सरकारी दल चिकित्सा कालेज एवं अस्पताल भवन, (चौथी मंजिल) 1, पी० डी० मेलो रोड, फोर्ट, बंबई-400001	नामांकित	महाराष्ट्र सरकार	12-10-79

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6.	डा० (श्रीमती) ललिता कामेश्वरन एम० बी० बी० एस०, पी० एच० डी०, चिकित्सा शिक्षा निदेशक, तमिलनाडू, एशियागम, चेपाक, मद्रास-600005	नामांकित	तमिलनाडू सरकार	4-3-83
7.	डा० एस० एस० अहुजा, एम० डी० एस० प्रोफेसर और अध्यक्ष, दल चिकित्सा विभाग, गांधी मेडिकल कालेज, भोपाल	नामांकित	मध्य प्रदेश सरकार	1-10-1983
8.	डा० पी० के० मवसेना, चिकित्सा शिक्षा और प्रशिक्षण निदेशक, उत्तर प्रदेश, लखनऊ	नामांकित	उत्तर प्रदेश सरकार	21-12-1982
9.	डा० एच० एच० हाथी, प्रोफेसर तथा अध्यक्ष, दल चिकित्सा विभाग, एस० एम० एस० मेडिकल कालेज, जयपुर	नामांकित	राजस्थान सरकार	21-12-1982
10.	डा० जे० आर० तनेजा, दल चिकित्सा प्रोफेसर, पंजाब सरकार दल चिकित्सा कालेज एवं अस्पताल, अमृतसर	नामांकित	पंजाब सरकार	5-12-1983
11.	डा० अजीत कुमार मित्रा, एस० एम० एफ०, एल० डी० एस०, एस० एम० एफ०, एफ० एस० एस० एफ० (बंगाल) डी० पी० डी० (मेट एंड्रूज- सू० के०) 2/1, लंदन स्ट्रीट, फ्लेट नं० 4, कलकत्ता-700016	नामांकित	पश्चिम बंगाल सरकार	3-7-1979
12.	डा० एन० राजीव शेट्टी एम० डी० एस०, प्रधानाधार्य, सरकारी दंत चिकित्सा कालेज, बंगलौर-560002	नामांकित	कर्नाटक सरकार	24-1-1980
13.	डा० श्रीकांत पुस्ति एम० डी० एस०, दंत चिकित्सा प्रोफेसर, एसः सी० बी० मेडिकल कालेज, कटक (उडीसा)	नामांकित	उडीसा सरकार	21-9-1982
14.	डा० सी० पी० बोधानी, एम० डी० एस०, डी० पी० डी०, परिदंत चिकित्सा प्रोफेसर, सरकारी दंत चिकित्सा कालेज एवं अस्पताल, न्यू मिलिं अस्पताल परिसर, असार्वा, अहमदाबाद-380016	नामांकित	गुजरात सरकार	18-10-82

1	2	3	4	5
15.	डा० टी० मूरी, दंत चिकित्सा सर्जन, कोक चुग सिविल अस्पताल, डाकघर मोकोक चुग जिला मोकोक चुग (नागालैंड)	नामांकित	नागालैंड सरकार	7-3-1980
16.	डा० बाई० सी० चावला. एल० डी० एस०, एम० एस० (यू० एस० ए०), प्राधानाचार्य, दंत चिकित्सा कालेज, मेडिकल कैम्पस, राहतक 124001 (हरियाणा)	नामांकित	हरियाणा सरकार	28-4-1982
17.	डा० बाई० आई० बायमा मिह, एम० डी० एस०, एमोसिएट प्रोफेसर, केन्द्रीय चिकित्सा कालेज, इम्फाल-795001 (मणिपुर)	नामांकित	मणिपुर सरकार	25-3-1982
18.	डा० मोहम्मद अकबर, एम० डी० एस० प्रोफेसर तथा अध्यक्ष, दंत चिकित्सा विभाग, सरकारी चिकित्सा कालेज एवं एम० एम० एच० एम० अस्पताल श्री नगर (कश्मीर) धारा 3 के परन्तुक के साथ पठित खड (च) के अधीन नामांकित	नामांकित	जम्मू व कश्मीर सरकार	16-3-1983
1.	डी० आर० के० वाली, बी० डी० एस०, 20-बी०/1, देशबंधु गुप्ता रोड, करील वाग नई दिल्ली-110005	नामांकित	केन्द्रीय सरकार	21-7-1981
2.	डा० जे० सी० चान्दना, बी० डी० एस० (नखनऊ), दंत चिकित्सा सर्जन, ए-270, डिफेस कालोनी, नई दिल्ली-110024	नामांकित	केन्द्रीय सरकार	19-8-1983
3.	मेजर जनरल पी० सी० कोळड़, निदेशक, दंत चिकित्सा, सेना, चिकित्सा निदेशालय, सेना मुख्यालय, नई दिल्ली-110011	नामांकित	केन्द्रीय सरकार	1-10-1981
4.	डा० फाली एस० मेहता, एल० डी० एस-सी, डी० एम० श्री० (यू० एस० ए०) इंडियन हाऊस, 122 कुम्बाला हिल, बम्बई-400007	नामांकित	केन्द्रीय सरकार	19-8-1983
5.	डा० एस० के० बोस, बी० एस० सी०, उपाध्यक्ष, पश्चिम बंगाल दन्त चिकित्सा परिषद्, 8-लायन्स रेज (तीसरी मंजिल) कलकत्ता	नामांकित	केन्द्रीय सरकार	19-8-1983

1

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6. डा० धर्मवीर मच्चदेश,
सी-39, आनन्द निकेतन
नई दिल्ली

नामांकित

केन्द्रीय सरकार

28-9-1983

1. स्वास्थ्य मंत्री महानिदेशक,
भारत सरकार, निमणि भवन,
मौलाना आजाद रोड़,
नई दिल्ली-110011

डा० वी० इ० बिष्ट

[मं० वी० 12013/2/82-पी० एम० एग०]

कु० सी० मित्रुरी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 24th January, 1984

S.O. 430.—In Central Government hereby republishes the notification of the Government of India in the erstwhile Ministry of Health No. F. 10-10/48-MI, dated the 12th April, 1949, made in pursuance of section 3 of the Dentists Act, 1948 (16 of 1948), notifying the constitution of the Dental Council of India as amended from time to time, for general information :—

No. F.10-10/48-MI, dated the 12th April, 1949.—In pursuance of section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government is pleased to constitute the Dental Council of India consisting of the following members, namely :—

Sl. No.	Name and Address	Elected or Nominated	Authority electing or nominating	Date of election/ nomination
1	2	3	4	5
Elected under clause (a) read with proviso to section 3.				
1.	Dr. J.G. Kannappan, MDS, "Shenbagam Illam" 109-Dr. Radhakrishnan Salai, Mylapore. Madras-600 004.	Elected	Tamil Nadu Dental Council	11-1-79
2.	Dr. N.K. Agrawal, BDS, MS (USA), Dean, Faculty of Dental Sciences, K.G.'s Medical College. Lucknow- 226 003.	Elected	Uttar Pradesh Dental Council	2-11-77
3.	Dr. Bimal Chandra Bera, B.Sc., BDS, MDS, 6-New Pranashree Road. Calcutta.	Elected	West Bengal Dental Council	23-9-1981
4.	Dr. Pradip, Jayna, BDS, MDS, DDO RCS (Glasgow), Hon. General Secretary, Indian Dental Association, M-75, Connaught Circus. New Delhi.	Elected	Delhi Dental Council	20-10-1982
5.	Dr. J.C. Manchanda, LDS, RCR, (Eng, C-37, Westend Colony, Rao Tula Ram Marg. New Delhi-110 021.	Elected	Punjab Dental Council	21-12-1972
6.	Dr. Niranjan Singh Yadav, MDS 3-3-867, Sultan Bazar. Hyderabad-500 027	Elected	Andhra Pradesh Dental Council,	12-0-1982

1	2	3	4	5
7.	Dr. P.S. Dessai, LDSc, (Bom.) Dental Elected Surgeon Station Road, Dharwar-580 007 (Karnataka)	Elected	Karnataka Dental Council	4-10-1976
8.	Dr. P.V. Diwanji, LDSc, "Pitruchhaya" 21-Swastik Society, N.S. Road No. 2, Juhu Development Scheme, Vile Parle, Bombay-400 056	Elected	Maharashtra Dental Council	2-10-1971
9.	Dr. N.K. Gandhi, BDS, MDS, 16-A, Bharati Society , Opp. Nagri Eye Hospital, Ellisbridge, Ahmedabad-380 006.	Elected	Gujarat Dental Council	13-4-1981
10.	Dr. K. Balakrishnan Nair, MDS, Asstt. Prof. of Oral Surgery, Dental Wing, Medical College. Trivandrum, 695 011	Elected	Kerala Dental Council	1-10-1977
Elected under clause (b) of section 3.				
1.	Dr. Mrinal Nandi, FSMR, FCGP (I), JP, 55-A, Ballygunge Place, Calcutta-700 019	Elected	Medical Council of India	26-3-1983
Elected under clause (c) of section 3:				
1.	Dr. S.T. Talim, MDS Dean, Nair Hospital Dental College, Dr. A.L. Nair, Road, Byculla, Bombay-400008.	Elected	From amongst Heads of Dental Institutions	17-7-1981
2.	Dr. K. Bhargava, BSc., BDS, MS (USA), Dean, Govt. Dental College & Hospital, New Civil Hospital Compound, Asarwa, Ahmedabad-380016.	Elected	From amongst Heads of Dental Institutions.	17-7-1983
3.	Dr. B. P. Rajan, BSc, BDS, MDS, Principal Madras Dental College, Opp. Fort Rail stations Madras—600003.	Elected	From amongst Heads of Dental Institutions.	6-2-1979
4.	Dr. S.S. Khera, BDS, MDS, Director Dental Studies College of Dental Surgery Kasturba Medical College, Kanipal, (Karnataka)	Elected	From amongst Heads of Dental Institutions.	3-9-1983
Elected under clause (d) of section 3.				
1.	Dr. (Mrs.) Amrit Tewari, MDS, Prof. & Heads, Department of Dentistry, Post-Graduate Institute of Medical Education and Research, Sector -12, Chandigarh—160 012.	Elected	Punjab University	5-4-1982
2.	Dr. M.G. Muthukumaraswamy, MS FICS, Professor, Kilpauk Medical College, Madras-600 010.	Elected	Madras University	27-4-1973
3.	Dr. V.K. Khanna, BDS, MDS, Head Dental Wing, Government of Medical College, Patiala—157 001.	Elected	Punjabi University	24-12-1982

1	2	3	4	5
4.	Dr. B. Seshadri, MDS, Principal, Government Dental College and Hospital, Afzalganj, Hyderabad—500 012 (A.P.)	Elected	Osmania University	31-3-1982
5.	Dr. K. Mahadev, Orthopaedic Surgeon, No. 606, Mahesh Nursing Home, Irwin Road, Mysore—570 001. (Karnataka)	Elected	Mysore University	24-9-1982
6.	Dr. B.R.R. Varma, BDS, MDS, Special Officer, Dental College, Medical College, P.O., Calicut-8 (Kerala)	Elected	Kerala University	18-4-1981
7.	Dr. B. Goverdhan Hegde, MDS, No. 12, Basappa Road, Shantinagar, Bangalore—560 027.	Elected	Bangalore University	23-3-1983
8.	Dr. R.P. Singh, MDS, Principal Patna Dental College and Hospital Agamkuan, Patna—800007.	Elected	Patna University	6-12-1980
9.	Dr. Y.N. Saxena, MDS, Lecturer, College of Dentistry, Indore—452001.	Elected	Indore University	29-3-1982
10.	Dr. M.R. Joshi, MDS, Prof. of Orthodontic, Government Dental College and Hospital, Asarwa, Ahmedabad—380 016.	Elected	Gujarat University	2-5-1980
11.	Dr. K.S. Gill, MDS, Principal, Punjab Government Dental College and Hospital, Amritsar—143 001.	Elected	Guru Nanak Dev University	26-3-1983
12.	Dr. A.T. Biviji, BDS, MDS, Dean, Government Dental College and Hospital, Nagpur—440 003.	Elected	Nagpur University	23-10-1982
13.	Dr. Ramdas M. Pai, Medical Director, The Kasturba Medical College and Hospital, Manipal —576 119. (Karnataka)	Elected	Mangalore University	21-3-1982

Nominated under clause (e) read with the proviso to section 3.

1.	Dr. P. Ramachandra Reddi, MDS, Professor of Oral Medicine & Radiology Government Dental College and Hospital. Hyderabad.	Nominated	Andhra Pradesh Government.	20-8-1983
2.	Dr. B.R. Bhuyan, MBBS, BDS, MDS, Silpukhuri, G.N. Bardoloi Road, Gauhati 781 003.	Nominated	Assam Government.	1-8-1982
3.	Dr. P.I. Johan, MDS, Joint Director, Directorate of Medical Education, Medical College Campus, Trivandrum —695011. (Kerala)	Nominated	Kerala Government.	9-8-1983

[प्रांग II--खण्ड 3(ii)]		भारत का राजपत्र : फरवरी 11, 1981/मार्च 22, 1985		403
1	2	3	4	5
4.	Dr. B.K. Chaudhary, BDS. Dental College and Hospital, Agamkuan, Patna—800 007.	Nominated	Bihar Government.	1-7-1983
5.	Dr. V. Subramanian, BSc. BDS. MDS (MZ), Joint Director, Medical Education and Research (Dental), Government Dental College and Hospital Building, (4th Floor) I. P. D. mellow Road, Fort. Bombay—400 001.	Nominated	Maharashtra Government	12-10-1979
6.	Dr. (Mrs.) Lalitha Kameswaran, MBBS, Ph. D., Director of Medical Education, Tamil Nadu, "Ezhilagam", Chepauk, Madras—600 005.	Nominated	Tamil Nadu Government	4-3-1983
7.	Dr. S.S. Ahuja, MDS, Prof. & Head, Dental Deptt., Gandhi Medical College, Bhopal	Nominated	Madhya Pradesh Government.	1-10-1982
8.	Dr. P. K. Saxena, Director of Medical Education, and Training Uttar Pradesh, Lucknow.	Nominated	Uttar Pradesh Government	21-9-1982
9.	Dr. H. H. Hathi, Professor and Head of Department of Dentistry, S.M.S., Medical College, Jaipur.	Nominated	Rajasthan Government	21-12-1982
10.	Dr. J.R. Taneja, Professor of Dentistry, Punjab Government Dental College and Hospital, Amritsar.	Nominated	Punjab Government.	5-12-1983
11.	Dr. Ajit Kumar Kitra, IMF, LDS, SMF, SMFS (Bengal). DPD (St. Andrews--UK) 2/1, London Street, Flat No. 4, Calcutta—700 016.	Nominated	West Bengal Government	3-7-1979
12.	Dr. N. Rajeeva Shetty, MDS, Principal, Government Dental College, Bangalore—560 002.	Nominated	Karnataka Government.	2-1-1980
13.	Dr. Srikanta Prusty, MDS, Professor of Dentistry, S.C.B. Medical College. Cuttak(Orissa).	Nominated	Orissa Government.	21-9-1982
14.	Dr. C.P. Beghani, MDS, DPD, Professor of Periodontia. Government Dental College and Hospital, New Civil Hospital Compound, Asarwa, Ahmedabad—380 016.	Nominated	Gujarat Government.	18-10-1982
15.	Dr. T. Murry, Dental Surgeon. Mokok Chung Civil Hospital, P.O. Mokok Chung, Distt. Mokok Chung (Nagaland)	Nominated	Nagaland Government.	7-3-1980
16.	Dr. Y.C. Chawla, LDS, MS (USA). Principal, Dental College, Medical Campus. Rohtak—124001 (Haryana)	Nominated	Haryana Government.	28-4-1983
17.	Dr. Y.I. Boyaim Singh, (MDS) Associate Professor, Regional Medical College, Imphal 795 001 Manipur.	Nominated	Manipur Government.	25-3-1982

1	2	3	4	5
18. Dr. Mohd. Akbar, MDS Professor & Head, Department of Dentistry, Government Medical College and S.M.H.S. Hospital Srinagar (Kashmir)		Nominated	Jammu & Kashmir Govt.	16-3-1983

Nominated under clause (f) read with proviso to section 3.

1. Dr. R.K. Barli, BDS, 20-B/1, Desh Bandhu Gupta Road, Karol Bagh, New Delhi—100 005.	Nominated	Central Government.	21-7-1983
2. Dr. J.C. Chandra, BDS (I.KO) Dental Surgeon A-270, Defence Colony, New Delhi-24.	Nominated	Central Government.	19-8-1983
3. Maj Gen. P.C. Kochhar, Director Dental Services, Medical Directorate, Army Headquarters, New Delhi-110 011.	Nominated	Central Government	1-10-1983
4. Dr. Falu S. Mehta, LDSc. DMD (Tufts—USA), Indian House, 122, Cumballa Hill (Opp : Cemp & Co), Bombay-400 007.	Nominated	Central Government	19-8-1983
5. Dr. S.K. Bose, BSc. Vice President, West Bengal Dental Council, 8, Lyons Range (3rd Floor) Calcutta	Nominated	Central Government.	19-8-1983
6. Dr. Dharam Veer, Sachdeva, C-89, Anand Niketan, New Delhi.	Nominated	Central Government.	28-9-1983

Ex-Officio Member under clause (g) of section 3 of the Dentists Act.

1. Director General of Health Services, Government of India, Nirman Bhawan, Maulana Azad Road, New Delhi—100 011.	Dr. B.D. Bisht
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[No. V-12013/2/82-PMS]

KUM. C. CINTURY, Under Secy.

ऊर्जा मंत्रालय

(पैट्रोलियम विभाग)

नई दिल्ली, 24 जनवरी, 1984

का० आ० 431.—यतः पैट्रोलियम और खनिज पार्टिलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पैट्रोलियम विभाग) की अधिभूतना का० आ० सं० 3697 तारीख 25-9-83 द्वारा केन्द्रीय सरकार ने उस अधिभूतना से मंलग्न अनुनूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः ममक अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिभूतना से मंलग्न अनुनूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिभूतना में मंलग्न अनुनूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाया है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग

ने गढ़ी शासकों में तुका रूप में, घोषणा के प्रकाशन की इस तारीख की निवित होया।

अनुसूची

ऐन ३ दे० १९८५ में ऐन ३ दे० ६५ तक पाईपलाइन विभाग के लिये गुजरात - गुजरात जिला व तालुका — सौहस्राता

गांव	ब्लॉक नं०	हे०	ए०आर०ई०	से०
मेहमदपुरा	68	0	02	30
	67	0	02	30
	108	0	20	30
	109	0	16	10
	106	0	08	60
	142	0	08	70

[सं० O-12016/121/83-प्र०]

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 24th January, 1984

S.O. 431.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum), S.O. 3697 dated 25-9-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from NK—88 to NK—85.

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hectare	Acre	Centi tiare
Memadpura	68	0	02	30
	67	0	02	30
	108	0	20	30
	109	0	16	10
	106	0	08	60
	142	0	08	70

[No. O-12016/121/83-Pred.]

उत्तराखण्ड —प्र० २४० वेट्रोलियम और अनिंश पाइपलाइन (भूमि के उपयोग के अधिकार का संरक्षण) अधिनियम, 1962 (1962 का 50) की धारा ३ की उपधारा (1) के अधीन सारन सरकार ने ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की अधिकारी का ३० अ. ३० मं० 3695 तारीख 13-9-83 द्वारा दिए थे सदरात ने उमे अधिसूचना से संलग्न अनुसूची में विनियोग भूमियों ने उपयोग के अधिकार को पाई प लाईनों को विद्युति के प्रयोग के लिए अर्जित करने का अपना अपार्ण लोकेशन कर दिया था।

प्रौ. वा०: नमूना वाचिकारी ने उक्त अधिनियम की धारा ६ की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

प्रौ. वा०: उक्त अधिनियम ने उक्त रिपोर्ट पर दिचार द्वारा के परस्पर इस अधिसूचना से संलग्न अनुसूची में विनियोग भूमियों में उपयोग का अधिकार अर्जित करने का नियन्त्रण किया है।

अब, अन०: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित होती है कि इस अधिसूचना में संलग्न अनुसूची में विनियोग उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विद्युति के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

ओ० अप०: उप धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बावजूदों से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख का निवित होना।

अनुसूची

उभराट से हजरा तक पाई प लाईन विद्युति के लिए।

राज्य—गुजरात जिला— सूरत तालुका—चोरासी

गांव	संर्वेन०	हे०	ए०आर०ई०	से०
कवास	255/बा०	0	79	40

[सं० 12016/119/83-प्र०]

S.O. 432.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum), S.O. 3695 dated 13-9-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline :

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right

of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ubharat to Hajira

State : Gujarat	District : Surat	Taluka : Choriyas		
Village	Survey No.	Hectare	Are	Centiare
Kawas	255/B	0	79	40

[No. 12016/119-83-Prod.]

का० आ० 433.—यतः पेट्रोलियम और ब्रन्ज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उजी मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का, आ० सं० 3696 तारीख 13-9-83 द्वारा केन्द्रीय सरकार ने उम अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार की पाइप लाईनों को विछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिन मरकार वो रिपोर्ट दे दी है और आगे, येतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अनः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन विछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देनी है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आवंग में सभी वाधाओं से मुक्त रूप में, धोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

उमराट से हजार तक पाइप लाईन विछाने के लिए।

राज्य: गुजरात ज़िला: सूरत तालुका: चोर्यासी

गाव	संनौ	हे०	प्रारंडि सेटोयर
कवास	556/3	0	40 00
	556/2	0	19 20
	556/1	0	88 07
	373	0	33 36

[सं० 12016/120/83-प्र०]

S.O. 433.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 3696 dated 13-9-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ubharat to Hajira

State : Gujarat	District : Surat	Taluka : Choryasi		
Village	Survey No.	Hectare	Are	Centiare
Bhatpore	556/3	0	40	00
	556/2	0	19	20
	556/1	0	88	07
	373	0	33	36

[No. 12016/120/83-Prod.]

का० आ० 434.—यतः पेट्रोलियम और ब्रन्ज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उजी मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 3376 तारीख 6-8-83 द्वारा केन्द्रीय सरकार ने उम अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाईपलाईन की विछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यह : समन्वय प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अंतर्भूत सरकार द्वारा गिरोट दे दी है।

ओर आगे यह केन्द्रीय सरकार ने उक्त गिरोट पर विचार करने के पश्चात इस अधिसूचना में सलग्न अनुमति में विनियोग समियोग में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त जिकित का प्रयोग करते हुए केन्द्रीय सरकार एन्ट्रैक्टर घोषित करती है कि इस अधिसूचना में सलग्न अनुमति में विनियोग उक्त भूमियों में उपयोग का अधिकार पाईपलाईन विछाने के प्रयोजन के लिए एन्ट्रैक्टर अंजित किया जाता है।

ओर आगे उस धारा की उपधारा (4) द्वारा प्रदत्त जिकितों का प्रयोग करने हए केन्द्रीय सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेव और प्राकृतिक गैस आधोग में, सभी वाधाओं में सुकृत स्पष्ट में घोषणा के प्रकाशन की इस नारीउ को निर्दित होगी।

अनुमति

उपराई भूमियों तक पाईपलाईन विछाने के लिए।

राज्य : गुजरात ज़िक्र : बलसार तालुका : नवगारी

गाँव	ब्लॉक नं.	हेक्टर	ग्रामरहि	मेट्रीयर
नारी	49	0	42	08
	60	0	12	80
	61	0	10	11
	36	0	89	75
	240	2	51	00

[सं. O-12016/101/83-प्रो]

S.O. 434. Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum), S. O. 3376 dated 6-8-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ubhara to Hajura

State : Gujarat	District : Bulsar	Taluka : Navasari
Village	Block No.	Hectare
Dani	49	0
	60	0
	61	0
	36	0
	240	2

[No. O-12016/101/83-Prod]

का० जा० 345—यह केन्द्रीय सरकार वो यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में झुटाना जी० जी० एस० [से जै० एन० ए० ई० तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा विछाई जानी चाहिए।

आर यन्. पद प्रतीत होता है कि ऐसा लाईनों का विछाने के प्रयोजन के लिये एन्ट्रैक्टर अनुमति में विनियोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और जूनियर पाईपलाईन (मूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (ii) द्वारा प्रदत्त जिकितों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का आना आशय एन्ट्रैक्टर घोषित किया है।

बजते ही उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईपलाईन विछाने के लिये आवश्यक सक्षम प्राधिकारी, तल तथा प्राकृतिक गैस आयाग निर्माण और देखभाल प्रभाग, मकरपुरा गोड, लंडारोड-9 का इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आवश्यक करने वाला हर व्यक्ति विनियोग यह भी करन करेगा कि क्या वह यह चाहता है कि उसका सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुमति

झुटाना जी० जी० एस० [से जै० एन० ए० ई० तक पाईपलाईन विछाने के लिये

राज्य—गुजरात	ज़िला व तालुका—मेहमाना
गाँव	सर्वे नं० हेक्टर ग्रामरहि मेट्रीयर
झुटाना	1495 0 06 00
	1502 0 11 52
	1501 0 04 44
	1500 0 05 16
	1499 0 03 96
	1505/2 0 09 24

[सं. O-12016/147/83-प्र०]

S.O. 435.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Jotana GSS to Jnae in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDULE

Pipeline from Jotana GGS-I to Jnae.

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
Jotana	1495	0	.66	00
	1502	0	11	52
	1501	0	04	44
	1500	0	05	16
	1499	0	03	96
	1505/2	0	09	24

[No. O-12016/147/83-Prod.]

का० आ० 436:—पतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की व्याख्या 3 की उपधारा (1) के अवेग भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) के अधिसूचना का० आ० सं० 3377 तारीख 6-8-83 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः समझ प्राधिकारी ने उक्त अधिनियम की धारा 6 को उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उका रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों से उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों से उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाया है।

और आगे उन धारा को उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार द्वारा हात हान के बजाए तेज और प्राकृतिक रूप साधारण में सभी वायाओं से मुक्त रूप में, धौपण के प्रकाशन की इस वारांख का निरहत होना।

अनुसूची:

उभराट से हजारीय तक पाइपलाईन बिछाने के लिए

राज्य: गुजरात जिला: सुरन तालुका: चार्यासी

नाम	ब्लॉक नं०	हक्कर	ए आर ई	सेटीटर
भाटपार	33	6	71	52

[सं० O-12016/102/83-प्र०]

S.O. 436.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum), S. O. 3377 dated 6-8-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline :

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ubharat to Hajira

State : Gujarat District : Surat Taluka : Choryasi

Village	Block No.	Hectare	Are	Centiare
Bhatpore	333	70	71	52

[No. O-12016/102/83-Prod.]

का० आ० 437:—पतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में अहमदाबाद -13 से अहमदाबाद-18 तक पेट्रोलियम के परिवहन के लिये पाइपलाईन बेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अग्र: अंड पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपलब्ध होने वाली कुल अंडर) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपलब्धा (II) द्वारा प्रदत्त स्थानकर्त्ता का प्रयोग करने हेतु लेनदेन भूमि ने उसमें उपलब्ध का अधिकार अंजिन करने का अवला आवश्यकता दर्शाया छिया है।

वर्णने वाले इस भूमि में हितब्रह्म कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन विठानों के लिए आवश्यक साथम जारी करें, तो तथा पाइपलाईन गैस आयोग, निर्माण और डेस्ट्राल एवं ग, मकरारा रोड, बोदरा-9 को इस अविसूचित पोटारी ने 21 दिनों के भीतर कर देता।

अंग एवं आवश्यक करने वाला हेतु व्यक्ति विनियोगिता यह भी करने करेगा कि नाम बह यह बहाना है कि उसकी मुनवाई अद्वितीय हो या यहां विभिन्न व्यवसायी की दार्ढता।

अनुसूची

प्रकल्पादाद-13 से अहमदाबाद-18 तक पाइप लाइन विठाने के लिए।

राज्य : गुजरात ज़िला : अहमदाबाद तालुका : दसरोह

ग्रन्थ	सर्वे नं.	हेक्टेर	आरो	सेव
1	2	3	4	5
हाथीजिण	465	0	23	70
	466	0	06	98
	487/1	0	14	85
	487/2	0	03	45
	576	0	10	20
	569/6	0	07	50
	579/2	0	03	75
	579/1	0	02	40
	567	0	09	54
	582/1	0	00	60
	582/2	0	08	38
	583/1	0	02	04
	566/1	0	01	65
	565	0	06	30
	564	0	01	50
	563	0	04	80
	560	0	06	00
	549	0	06	60
	550	0	05	25
	555	0	03	30
	556	0	12	15
	557	0	03	68
	522/1	0	09	13
	554	0	03	15
	33	0	18	90
	36	0	01	65

1	2	3	4	5
	39	0	11	29
	40	0	03	05
	41/4	0	04	75
	41/8+9+10	0	09	00
	41/1+3	0	03	00
	41/13	0	01	00
	41/14/1	0	04	50
	41/14/12	0	02	50
	44	0	09	00
	43	0	09	00

[सं. O-12016 / 149 / 83 प्रा]

S.O. 437.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Ahmedabad-13 to Ahmedabad-18 in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therin :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDULE

Pipeline from Ahmedabad-13 to Ahmedabad-18

State : Gujarat District : Ahmedabad Taluka : Daseroi

Village	Survey No.	Hectare	Acre	Centiare
		1	2	3
Hathijan	465	0	23	70
	466	0	06	18
	487/1	0	14	85
	487/2	0	03	45
	576	0	10	20
	569/6	0	07	50
	579/2	0	03	75
	579/1	0	02	40
	567	0	09	54
	582/1	0	00	60
	582/2	0	08	38
	583/1	0	02	04
	566/1	0	01	65
	565	0	06	30
	564	0	01	50
	563	0	04	80
	560	0	06	00
	549	0	06	60
	550	0	05	25
	555	0	03	30
	556	0	12	15
	557	0	03	68
	522/1	0	09	13
	554	0	03	15
	33	0	18	90
	36	0	01	65

1	2	3	4	5	अनुसूची
	557	0	08	68	एन.के.० ७० से एन.० को०मा०टी.लाइफ० तक पाइप लाईन विछाने के लिए।
	522/1	0	09	13	
	554	0	03	15	
	33	0	18	90	राज्य-गुजरात जिला-महसाणा नाचुका-कडी
	36	0	01	65	
	39	0	11	29	गाव नं० हेक्टर प्रति ए०आर० सेटीअर
	40	0	03	05	₹०
	41.4	0	04	75	
	41/8 (०-१) 10	0	09	00	
	41.1 + 3	0	03	00	चालासण ९३ ० ०१ ८०
	41/13	0	01	00	९४ ० ०३ २५
	41/14.1	0	04	50	९५ ० २७ ००
	41/14.2	0	02	50	९८ ० ०४ ८०
	44	0	09	00	९६ ० ०६ ००
	43	0	09	00	९७ ० ०२ ६५
					१०७/२ ० ०८ ४०
					१०७/१ ० ०२ ४०

[No. O-12016/149/83-Prod.]

का०आ० ४३८—यतः पेट्रोलियम और गैज़ लाईप्लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम १९६२ (१९६२ का ५०) की धारा ३ की उपधारा (१) के अन्तर्गत भारत सरकार ने ऊर्जा (पेट्रोलियम विभाग) की अधिसूचना ना० आ० मा० १८५२ तारीख २८-३-८३ द्वारा केन्द्रीय सरकार ने उम अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईन की विछाने के प्रयोजन के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः समक्ष प्राधिकारी ने उक्त अधिनियम की धारा ६ की उपधारा (१) के अधीन सरकार को नियोन्ड दे दी है।

ओर आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा ६ की उपधारा (१) द्वारा प्रदत्त अधिकारी का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाना है।

और आगे उम धारा की उपधारा (४) द्वारा प्रदत्त अधिकारी का प्रयोग करते हुए केन्द्रीय सरकार नियोग देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विविहत होने के बजाय तेव और प्राकृतिक गैस आयोग में सभी वाधाओं से मुक्त है में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

[सं० O-12016/120/83-प्र०]

S.O. 438.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum), S. O. 1852 dated 28-3-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from NK-70 to NK-CTF

State : Gujarat	District : Mehsana	Taluka : Kadi	Village	Survey No.	Hectare	Aro	Centiare
			Chalasan	९३	०	०१	८०
				९४	०	०३	२५
				९५	०	२७	००
				९८	०	०४	८०
				९६	०	०६	००
				९७	०	०२	६५
				१०७/२	०	०८	४०
				१०७/१	०	०२	४

[No. O-12016/120/83-Prod.]

नई दिल्ली, 28 जनवरी, 1984

का०आ० 439—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहिन में यह आवश्यक है कि गुजरात गाजिय में हजीरा से वरेली में जगदीशपुर तक पैटेलियम के परिवहन के लिए पाईपलाईन लेल तथा प्राकृतिक गैस आयोग डाग विश्वाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पैटेलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त अविनयों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग कर अधिकार अर्जित करने का अपना आवश्यक घोषित किया है।

वर्षते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, लेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरसुग गेड, बडोदगा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करते वाला हर व्यक्ति विरिदिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मूनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्किन।

अनुसूची

हजीरा से वरेली में जगदीशपुर तक पाईप लाईन बिछाने के लिए
राज्य : गुजरात जिला : सूरत तालुका : ओलपाड़

गाव	बलोक नं०	हेक्टर	प्रार०	में०
मथादला	134	0	25	60
	133	0	45	60
	137	0	13	60
	113	0	14	08
	112	0	11	52
	111	0	21	60
	114	0	05	92
	110	0	22	40
	267	0	04	64
	107	0	01	76
	108	0	96	48
	96	0	56	80
	97	0	04	16
	87	0	38	08
	86	0	44	00
	109	0	02	88
	159	0	00	35
	155	0	17	44
	154	0	36	00
	157	0	47	20
	158	0	20	00
	160	0	44	16
	161	0	08	00
	176	0	27	04
	170	0	30	24
	169	0	10	88
	165	0	01	12
	164	0	30	56
	144	0	34	40

1	2	3	4	5
	142	0	16	32
	136	0	28	64
	143	0	00	16
	वार्ट ट्रैक	0	04	16

[सं० प्र० 12016/1/84-प्र०]

New Delhi the 28th January, 1984

S.O. 439.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hajira-Bareilly to Jagdishpur in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by legal practitioner.

SCHEDULE

Pipeline from Hajira—Bareilly—Jagdishpur
State : Gujarat District : Surat Taluk : Olpad

Village	Block No.	Hec-tare	Are	Centiare
1	2	3	4	5
Sayadala	134	0	25	60
	133	0	45	60
	137	0	13	60
	113	0	14	08
	112	0	11	52
	111	0	21	60
	114	0	05	92
	110	0	22	40
	267	0	04	64
	107	0	01	76
	108	0	96	48
	96	0	56	80
	97	0	04	16
	87	0	38	08
	86	0	44	00
	109	0	02	88
	159	0	00	35
	155	0	17	44
	154	0	36	00
	157	0	47	20
	158	0	20	00
	160	0	44	16
	161	0	08	00
	176	0	27	04
	170	0	30	24
	169	0	10	88
	165	0	01	12
	164	0	30	56
	144	0	34	40

1	2	3	4	5
	144	0	34	40
	142	0	16	32
	136	0	28	64
	143	0	00	16
	Cart track	0	04	16

[No. O-12016/1/84-Prod.]

का० आ० 440—यतः पैट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय, पैट्रोलियम विभाग की अधिसूचना का० आ० स० 3630 तारीख 8-9-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाईप लाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

अनुसूची

उभराट से हजारा तक पाईप लाईन बिछाने के लिए
राज्य : गुजरात जिला : सूरत तालुका : चोरीयासी

गांव	सर्वे नं०	हे०	आर०	सें०
वांटा	84/1	0	26	56
	83/2	0	00	80
	84/2	0	11	52
	81	0	31	04
	99/2	0	02	02
	78/1	0	00	64
	68	0	33	60
	69	0	15	20

[सं० आ०-12016/114/83-प्र०ड]

S. O. 440—Whereas by notification of the Government of India in the Ministry of Energy, Department of Petroleum S.O. 3630 dated 8-9-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further Whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And, further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ubharat to Hajira

State : Gujarat	District : Surat	Taluka : Choriyasi		
Village	Survey No.	Hectare	Acre	Centiare
Wanta	84/1	0	26	56
	83/2	0	00	80
	84/2	0	11	52
	81	0	31	04
	99/2	0	02	02
	78/1	0	00	64
	68	0	33	60
	69	0	15	20

[No. O-12016/114/83-Prod.]

का० आ० 441—यतः पैट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पैट्रोलियम विभाग) की अधिसूचना का० आ० स० 3626 तारीख 9-7-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विनिर्दिष्ट उक्त भूमियों से मध्ये वाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की तारीख को निहित होगा।

अनुसूची

उभराट से हजारा तक पाईप लाईन बिलाने के लिए

राज्य : गुजरात ज़िला : सरावन तालुका : चोर्यासी

गाँव	मैट्रेज नं०	हेक्टेडर	आर०	हेक्टेडर
गर्भीगढ़	8	0	01	44
	7	0	11	20
	280	0	09	60
	281	0	01	60
	279	0	11	40
	278	0	11	04

[मा० 12016/118/83-प्र० ३०]

S.O.441. - Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 3626 dated 7-9-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the land specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ubharat to Hajira

Village	Survey No.	Hec-tare	ARE	Centi-tare
Gvirir	8	0	01	44
	7	0	11	20
	280	0	09	60
	281	0	01	60
	279	0	14	40
	278	0	11	04

[No. 12016/118/83-Prod.]

का० अ० 442.—या० पैट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की आग 3 की उपचारा (1) के अथवा भावत संकार के

1345 GI/83—7

उर्जा मंत्रालय (पैट्रोलियम विभाग) की अधिसूचना वा०आ०स० 3631 तारीख 8-9-83; द्वारा केन्द्रीय सरकार ने उष्म अधिसूचना से संबंध अनुसूची में विनिशिट भूमियों के उपयोग के अधिकार को पाईप लाईनों को विभाने के प्रयोगन के लिए अनियन्त्रित करने का आमना जागित करना दिया था।

और यह: मध्य प्राधिकारी ने उक्त अधिनियम की आग 6 का उपचारा (1) के अधीन भरकार को रिपोर्ट दे दी है।

और आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर धिकार करने के पश्चात् इस अधिसूचना से संबंध अनुसूची में विनिशिट भूमियों में उपयोग का अधिकार अनियन्त्रित करने का विनियोग किया है।

अब, अब: उक्त अधिनियम की आग 6की आग 6 (1) द्वारा प्रवक्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संबंध अनुसूची में विनिशिट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिलाने के प्रयोगन के लिए अनुद्वाया अनियन्त्रित किया जाता है।

और आगे उम आगका उपचारा (4) द्वारा प्रदत्त अधिनियमों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेण देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बायां तेल और प्राकृतिक ऐसे आयोग में समीक्षा बोग्यों से सुन्नत रूप में घोषणा के प्रकाशन की इस तारीख को निश्चित होता।

अनुसूची

उभराट से हजारा तक पाईप लाईन बिलाने के लिए

राज्य : गुजरात	ज़िला : बलामाड	प्रान्तिका : नवमारी		
गाँव	ब्लॉक नं०	हेक्टेडर	आर०	मेन्टर०पर
उभराट	855	01	62	00
SEA	0	25	29	

[मा० 12016/118/83-प्र० ३१]

S. O. 442. -Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 3631 dated 8-9-83 under sub-section(1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Ubharit to Jotana

State : Gujarat District : Valsad Taluka : Navsari

Village	Block No.	Hec-tare	ARE	Centi-metre
Ubharit	855	01	62	00
	SEA	0	25	29

[No. 12016/117/83-Prod.]

तर्फ दिल्ली, 24 जानवरी, 1984

का० आ० 443.—वह भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ नं० वर्ष अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खालीज शाहपालाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य में उक्त क्रिनिकिट भूमि में व्याधन स्थल सं० जोटाणा-4 से जी०जी०एस० 1 जोटाणा तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेन एवं प्राकृतिक गैस आयोग ने उपयुक्त नियम के खण्ड 7 के उपखण्ड (1) के धारा (i) में विनिर्दिष्ट कार्य दिनांक 5-5-80 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत संथाम अधिकारी एतद्वारा उक्त नियम को कार्य समाप्त की तिथि अधिसूचित करने हैं।

अनुसूची

जोटाणा-4 से जी०जी०एस० 1 जोटाणा तक पाइप लाइन कार्य समाप्ति।

मन्त्रालय का नाम	गांव	का०आ० सं०	भारत के ग्रामीण में प्रकाशन को नियमित	कार्य समाप्ति
ऊर्जा मंत्रालय	माकरेज	193	23-1-82	5-5-80

पेट्रोलियम

विभाग

[मं० 12016/2/81 प्रोड० II]

विनय बंसल, निदेशक

New Delhi, the 24th January, 1984

S. O. 441.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section(1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from D.S. Jotana-4 to GGs. I Jotana in Gujarat State.

And whereas the Oil and Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 5-5-80.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date termination of operation to above.

SCHEDULE

Termination of Pipeline from D. S. Jotana-4 to GGs I Jotana

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy, Dept. of Petroleum Mankraj		193	23-1-82	5-5-80

Energy, Dept. of Petroleum Mankraj	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
			[No. 12016/2/81-Prod-II]	VINAY BANSAL, Director

(कोपाता विभाग)

तर्फ दिल्ली, 28 जनवरी, 1984

का० आ० 433:—केंद्रीय सरकार को यह प्रतीत होता है कि इससे उपावद्ध अनुसूची में लिस्टिंग भूमि में कोयला अधिकारी होने का सम्भावना है;

अतः अब केंद्रीय मंत्रालय कोयला धारक लेन (अर्जन और विकास अधिनियम 1957 (1957 का 20) की धारा 4 की उपधारा (1) वारा प्रदत्त शक्तियों का प्रयोग करने हुए उसमें कोयले का पूर्वेक्षण करने के अन्ते जागरूकी की सूचना देर्खि है :

इस अधिसूचना के अन्तर्गत आने वाले लेन के रेखांक भं० मी०-1 (ई)/III/जे अर्ण/260-583 तारीख 16-5-73 का निरीक्षण बैंकरी कोलकातालैन लिमिटेड (शास्त्र अभ्यास) कोन पस्टेट मिलियन नाम्पर-440001 के कार्यालय में था कलकटा, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक 1 काउन्सिल हाउस स्कूल कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को अधिसूचना के राजनीति में प्रकाशन की तारीख से नव्वी दिन के भीतर राजनीति अधिकारी, बैंकरी कोलकातालैन लिमिटेड, कोयला प्रस्टेट, संस्थिल लालम, नाम्पर-440001 को भेजें।

अनुसूची

पदमपुर विस्तरण अन्तर्गत वार्डी कोलकाता
जिला चन्द्रपुर (महाराष्ट्र)

क्रम सं०	ग्राम का नाम	पदवारों लक्ष्मीपुर जिला थेलैंगणी
	सर्किल	लैक्टर
	सं०	में
1.	किताई	11 चन्द्रपुर 18.37 भाग
2.	पदमपुर	11 " " 111.21 भाग
3.	सिंहाला	11 " " 47.74 भाग
4.	दुर्गपुर	10 " " 5.41 भाग

	सीमावर्णन :	
क-ख	रेखा इशाई नदी के पूर्वी किनारे से आरम्भ होती है और ग्राम किताड़ से होकर जाती है और उसी ग्राम में विन्द "ब" पर मिलती है।	ट-ठ रेखा भारत ग्राम पदमपुर और भागत ग्राम किताड़ से होकर जाती है और ग्राम किताड़ में विन्द "ठ" पर मिलती है।
ख-न	रेखा ग्राम किताड़, पदमपुर से होकर जाती है, लोक निर्माण विभाग चन्द्रपुर तदोवा रोड को पार करती है और ग्राम पदमपुर में विन्द "ए" पर मिलती है।	ठ-ड रेखा ग्राम किताड़ ने होकर जाती है और ग्राम में इशाई नदी के पूर्वी किनारे पर विन्द "इ" पर मिलती है।
ग-घ	रेखा ग्राम पदमपुर से होकर जाती है और उसी ग्राम में नाला मोटाधान में विन्द "घ" पर मिलती है।	ड-क रेखा इशाई नदी के पूर्वी किनारे के साथ-साथ ग्राम किताड़ से होकर जाती है और आधिकारिक विन्द "क" पर मिलती है।
घ-ड	रेखा ग्राम पदमपुर से होकर जाती है और उसके बाद ग्राम मिनहाला में होकर जाती है और ग्राम मिनहाला में विन्द "ड०" पर मिलती है।	[मा. 19/36/83-नं. पल]
ड-छ	रेखा ग्राम मिनहाला से होकर जाती है और ग्राम सिनहाला और दुर्गापुर की सम्मिलित सीमा पर विन्द "च" पर मिलती है।	(Department of Coal)
छ-ज	रेखा ग्राम मिनहाला से होकर जाती है और ग्राम सिनहाला और दुर्गापुर की सम्मिलित सीमा पर विन्द "ज" पर मिलती है।	(New Delhi, the 28th January, 1984)
ज-झ	रेखा ग्राम मिनहाला से होकर जाती है और उसी ग्राम के लोक निर्माण विभाग, चन्द्रपुर तदोवा रोड की पूर्वी सीमा पर विन्द "झ" पर मिलती है।	S.O. 444.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;
झ-ञ	रेखा और लाक निर्माण विभाग, चन्द्रपुर नगरपालिका की पूर्वी सीमा के साथ-साथ ग्राम पदमपुर के साथ-साथ जाती है और विन्द "ञ" पर मिलती है।	Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.
ञ-ट	रेखा ग्राम पदमपुर से होकर जाती है, लोक निर्माण विभाग चन्द्रपुर रोड को पार करती है और उसी ग्राम में विन्द "ट" पर मिलती है।	The plan No. C-I(E)/II/JR/260-583 dated 16-5-1983 of the area covered by this notification can be inspected at the Office of the Western Coalfields Limited (Revenue Section) Coal Estate, Civil Lines, Nagpur-440001 or at the Office of the Collector, Chandrapur (Maharashtra) or at the Office of the Coal Controller I, Council House Street, Calcutta.

SCHEDULE

Padmapur Extension Block Wardha Valley Coalfield District Chandrapur (Maharashtra)

Sl. No.	Name of Village	Patwari Circle No.	Tehsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Kitadi	11	Chandrapur	Chandrapur	18.37	Part
2.	Padmapur	11	„	„	111.21	Part
3.	Sinhala	11	„	„	47.74	Part
4.	Durgapur	10	„	„	5.41	Part

Total Area 182.73 hectares (approximately)

OR 451.54 acres (approximately)

BOUNDARY DESCRIPTION :

A—B Line starts from eastern bank of Erai river and passes through village Kitadi and meets in the same village at point 'B'.

B—C Line passes through villages Kitadi, Padmapur, crosses the P.W.D. Chandrapur-Tadoba Road and meets in village Padmapur at point 'C'.

C—D Line passes through village Padmapur and meets in the same village in motaghat Nallah at point 'D'.

D—E Line passes through village Padmapur, then proceeds through village Sinhala and meets in village Sinhala at point 'E'.

E—F Line passes through village Sinhala and meets on the common boundary of villages Sinhala and Durgapur at point 'F'.

F—G Line passes along the common boundary of villages Sinhala and Durgapur and meets at point 'G'.

G—H Line passes through village Durgapur and then proceeds through village Sinhala and meets on the trijunction of villages Sinhala, Durgapur and Padmapur at point 'H'.

H—I Line passes through village Padampur and meets in the same village on the eastern boundary of P.W.D. Chandrapur—Tadoba Road at point 'I'.

I—J Line passes through village Padampur along the eastern boundary of P.W.D. Chandrapur—Tadoba Road and meets at point 'J'.

J—K Line passes through village Padmapur, crosses P.W.D. Chandrapur—Tadoba Road and meets in the same village at point 'K'.

K—L Line passes partly through village Padmapur and partly through village Kitadi and meets in village Kitadi at point 'L'.

L—M Line passes through village Kitadi and meets in the same village on the eastern bank of Erai river at point 'M'.

M—A Line passes through village Kitadi along the eastern bank of Erai river and meets at the starting point 'A'.

[No. 19/36/83-CL]

प्रा० आ० ४४५.—केन्द्रीय सरकार को यह प्रति होता है कि इससे उपायकरण अनुमति में उल्लंघन भूमि में कामना अधिकारित होने को मंजूरी है।

अब, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अंजन और विकास) अधिनियम, 1952 (1952 का 20) की धारा 4 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करने हैं उगमें कोर्ट था पूर्ववश करने के अपने आधार को सुनना देती है।

इस अधिसूचना के अन्तर्गत आगे बोले क्षेत्र के खेत्र स० सा०-१ (ई) / III/जे आर/२६३-७१३, नारीय ५७-८३ का निर्भर खण्डकर, कल्पुर, (महाराष्ट्र) के कार्यालय में और कलटर, घरतमाल (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, १ नारंगिन हाउस स्ट्रट, कम्पकला के कार्यालय में किया जा रहा है।

इस अधिसूचना के अन्तर्गत आगे बोले भूमि में हितखड़ मर्म अन्तिम उत्तर अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट भूमि भक्षण, चार्टी और अन्य दस्तावेजों को अधिसूचना के गजल में प्रकाशन की तरीख से तब्बे वित के भीम राजस्थ अधिकारी, वेर्टेन कामकीदृम निमिट्ट, कोयला प्रस्टेट, मिलिल लाइन्स, नार्युर-४४०००१ को भेजें।

अनुसूची "क"

भूनगोली वित्त खात परियोजना ब्लॉक-

बधी घाटी खेत्र

जिला घरतमाल (महाराष्ट्र)

क्रम सं०	ग्राम या नाम	पटवारी संग्रह सं०	ग्राम सं०	नहरील	जिला	क्षेत्र हेक्टर मे०	टिप्पणी
1.	जमेद	107	121	बानी	घरतमाल	182.00	पूर्ण
2.	मथोला	108	275	"	"	196.99	पूर्ण
3.	भुनगोली	108	269	"	"	412.30	पूर्ण
4.	सावरा	108	372	"	"	544.98	पूर्ण
5.	कालगाव	108	58	"	"	489.91	पूर्ण
6.	लाकला	109	133	"	"	243.36	पूर्ण
7.	चिलाळ	109	107	"	"	405.64	पूर्ण
8.	परेदाह	109	192	"	"	393.50	भाग
9.	पानाक	107	306	"	"	236.30	भाग

कुल क्षेत्र 3150.98 हेक्टर (लगभग)

या 7786.39 एकड़ (लगभग)

	सीमा वर्णन-व्याकान।		ग्राम एनाक से होकर जाती है और ग्राम एनाक, मिवानी और एनाड की सीमा के त्रिसंगम पर बिन्दु "घ" पर मिलती है।
क-ख	रेखा तहसील चन्द्रपुर (जिला चन्द्रपुर), सहसील राजुग (जिला चन्द्रपुर) और तहसील बांटी (जिला यवतमाल) की तहसील की भासाओं के त्रिसंगम पर नदी बर्धा और पनगाव के साथम पर बिन्दु "क" से आरम्भ होती है और तहसील राजुग और तहसील बांटी, जिला चन्द्रपुर और तहसील बांटी, जिला यवतमाल की सम्मिलित तीनों के साथ-साथ नदी पनगाव के साथ-साथ जाती है और सीमा पर बिन्दु "ख" पर मिलती है।	घ-	रेखा भागतः ग्राम एनाक और मिवानी की भागतः सम्मिलित सीमा के साथ-साथ और ग्राम कोनराव और मिवानी की भागत सम्मिलित सीमा के साथ-साथ और ग्राम कोनराव, मुनगांवी और गिवानी की सीमाओं के संगम पर बिन्दु "झ" पर मिलती है।
ख-ग	रेखा बनगाव के साथ-साथ तहसील राजुग (जिला चन्द्रपुर) और तहसील बांटी (जिला यवतमाल) की सम्मिलित सीमा के साथ-साथ जाती है और उसी सीमा पर बिन्दु "ग" पर मिलती है।	इ-	रेखा ग्राम मुनगांवी और मिवानी और भागतः ग्राम मुनगांवी और चौनचोनी की सम्मिलित सीमा के साथ-साथ जाती है और जिला चन्द्रपुर और यवतमाल की सम्मिलित जिला सीमा पर नदी बर्धा में बिन्दु "झ" पर मिलती है।
ग-ध	रेखा तहसील बांटी जिला यवतमाल ग्राम परमदेह से होकर जाती है और उसके पश्चात ग्राम चिकाली और चानद्वा की सम्मिलित सीमा के साथ-साथ जाती है और उसके बाद	च-	रेखा नदी बर्धा के साथ-साथ जिला चन्द्रपुर और यवतमाल की सम्मिलित जिला सीमा के साथ-साथ जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

बन्दूचों "ख"

मुनगांव, बिंदु खान परियोजना & अध.-II

वधा घाटी थेव

जिला चन्द्रपुर, (महाराष्ट्र)

क्रमांक	ग्राम का नाम	पठावार सामा	ग्राम अडिंग संकेत तहसील	जिला	थेव हेक्टर में	टिकिंग	
1.	संगोधा	विरुद्ध (गडेपाव)	चन्द्र	राजुग	चन्द्रपुर	282.00	पुर्ण
2.	फारवारी	"	"	"	"	171.69	पुर्ण
3.	मोता रसो	"	"	"	"	160.42	पुर्ण
4.	गवेगाव	"	"	"	"	625.04	भाग
5.	विरुद्ध	"	"	"	"	624.83	पुर्ण
6.	हंगापुर	"	"	"	"	323.65	भाग
7.	बन्दरगांव (बुगरक)	"	"	"	"	630.72	भाग

कुल थेव : 2820.5 हेक्टर (लगभग)

या 6969.7 एकड़ (लगभग)।

सीमा वर्णन व्याकान II :

क-ख	रेखा जिला चन्द्रपुर और यवतमाल की सम्मिलित सीमा पर बिन्दु "क" से आरम्भ होती है और जिला चन्द्रपुर में ग्राम विरुद्ध और चानद्वा, ग्राम गडेपाव और चिकाली और ग्राम गडेपाव और काठट गांव की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु "ख" पर मिलती है।	S.O. 445.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;
ख-ग	रेखा भागतः ग्राम गडेपाव और भागतः ग्राम हंगापुर के साथ-साथ जाती है और ग्राम अन्तरगाव (बुगरक) और हीरापुर की सम्मिलित सीमा पर बिन्दु "ग" पर मिलती है।	Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.
ग-ध	रेखा ग्राम अन्तरगाव (बुगरक) और हीरापुर के साथ-साथ ग्राम अन्तरगाव (बुगरक) और काठेली की सम्मिलित सीमा के साथ-साथ जाती है और उसके पश्चात ग्राम अन्तरगाव (बुगरक) से होकर जाती है आर जिला चन्द्रपुर और यवतमाल की सम्मिलित जिला सीमा पर नदी पनगाव में बिन्दु "घ" पर मिलती है।	The plan bearing No. C-1(E)/III/JR/265-783 dated 4.7.83 of the area covered by this notification can be inspected at the Office of the Western Coalfields Limited (Revenue Section), Coal Estate, Civil Lines, Nagpur-440001 or at the Office of the Collector, Chandrapur (Maharashtra) and at the Office of the Collector, Yavatmal (Maharashtra) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.
घ-क	रेखा जिला चन्द्रपुर और यवतमाल की सम्मिलित जिला सीमा के साथ-साथ नदी पनगाव में होकर जाती है और उसी सीमा पर आरम्भिक बिन्दु "क" पर मिलती है।	All persons interested in the lands covered by this notification shall deliver all maps charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 within ninety days from the date of publication of this notification.

THE SCHEDULE 'A'
Mungoli Opencast Project Block-I
Wardha Valley Area
District Yavatmal (Maharashtra)

Sl. No.	Name of Village	Patwari Circle No.	Village No.	Tehsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7	8
1. Jugad		108	121	Wani	Yavatmal	182.00	Full
2. Matholi		108	275	"	"	196.92	Full
3. Mungoli		108	289	"	"	413.30	Full
4. Sakhara		108	372	"	"	544.98	Full
5. Kolgaon		108	58	"	"	489.91	Full
6. Takali		109	133	"	"	283.35	Full
7. Chikhali		109	107	"	"	405.64	Full
8. Paramdoh		109	192	"	"	398.50	Part
9. Enak		107	306	"	"	236.30	Part

Total Area : 3150.98 hectares (approximately)

OR 7786.39 acres (approximately)

Boundary Description—Block-1 :

A—B Line starts from point 'A' on the confluence of rivers Wardha and Penganga at the trijunction of tehsil boundaries of tehsil Chandrapur (District Chandrapur), tehsil Rajura (District Chandrapur) and tehsil Wani (District Yavatmal) and proceeds along the common boundary of tehsil Rajura, District Chandrapur and tehsil Wani, District Yavatmal along river Penganga and meets on the same boundary at point 'B'.

B—C Line passes along the common boundary of tehsil Rajura (District Chandrapur) and tehsil Wani (District Yavatmal) along river Penganga and meets on the same boundary at point 'C'.

C—D Line passes in Tehsil Wani, District Yavatmal through village Paramdoh, then proceeds along the common boundary of villages Chikhali and Chana-

kha and then through village Enak and meets on the trijunction of boundary of villages Enak, Siwani and Enad at point 'D'.

D—E Line passes partly along common boundary of villages Enak and Siwani and partly along the common boundary of villages Kolgaon and Siwani and meets on the junction of boundaries of villages Kolgaon, Sakhara, Mungoli and Siwani at point 'E'.

E—F Line passes along the common boundary of villages Mungoli and Siwani and partly of villages Mungoli and Chincholi and meets in River Wardha on the common district boundary of districts Chandrapur and Yavatmal at point F.

F—A Line passes along the common district boundary of districts Chandrapur and Yavatmal along river Wardha and meet at the starting point 'A'.

THE SCHEDULE 'B'
Mungoli Opencast Project Block-II
Wardha Valley Area

District Chandrapur (Maharashtra)

Sl. No.	Name of Village	Patwari Saza	R.I. Circle	Tehsil	District	Area in hectares	Remarks
1. Sangoda		Virur (Gadegaon)	Chandur	Rajura	Chandrapur	282.00	Full
2. Karwarj		"	"	"	"	173.69	Full
3. Sonarli		"	"	"	"	160.42	Full
4. Gadegaon		"	"	"	"	625.04	Part
5. Virur		"	"	"	"	624.83	Full
6. Hirapur		"	"	"	"	323.65	Part
7. Antargaon		Antargaon	Sheraj	"	"	630.72	Part
	(Bujruk.)						

Total Area : 2830.35 hectares (approximately)

OR 6969.37 acres (approximately)

Boundary Description—Block-II :

A—B Line starts from point 'A' on the common boundary of districts Chandrapur and Yavatmal and passes in District Chandrapur along the common village boundary of villages Virur and Denoda, villages Gadegaon and Kairgaon and villages Gadegaon and Kawatgaon and meets at point 'B'.

B—C Line passes partly along village Gadegaon and partly along village Hirapur and meets on the common boundary of villages Antargaon (Bujruk) and Hirapur at point 'C'.

C—D Line passes along the common boundary of villages Antargaon (Bujruk) and Hirapur, villages Antargaon (Bujruk) and Kadoli and then proceeds through villages Antargaon (Bujruk) and meets in river Penganga on the common district boundary of districts Chandrapur and Yavatmal at point 'D'.

D—A Line passes in river Penganga along the common district boundary of districts Chandrapur and Yavatmal and meets on the same boundary at the starting point 'A'.

खाद्य एवं नागरिक पूर्तिसंबंधीय

नागरिक पूर्ति विभाग

मानवीय सावधानी

नई दिनी 1984 01-18

का० शा० 446—समय-भाग पर मंजोधित भारतीय गानक मंड्या (प्रमाणन चिन्ह) के विनियम 1955 के विनियम 14 के उपरिनियम (4) के अनुगार अधिसूचित किया जाता है कि लाइसेंस मंड्या मी.एम./ल०-0928058 जिसके अंतर्गत अनुसूची में दिए गए हैं। लाइसेंसधारी के अपने अनुरोध पर 16 मित्रवर 1983 से नदू कर दिया गया है।

प्राप्तमूल्य

नाम	लाइसेंस संख्या व तिथि	लाइसेंसधारी का नाम व पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	सत्यावाचारी भारतीय गानक
राम्या				
1. सी.एम./ल०-0928058 1980 12 31	मैमर्स मदन छ्टेकटीसाइएस एन्ड फटिलाइज़र्स, पोस्ट बॉक्स सं० 490 तीमरी मॉजिल परेन कर्मशाल कॉम्प्लेक्स, जैमिनी स्टुडियो कॉम्प्लेक्स, मद्रास-600006	कार्बाराइल 50% प्रतिशत त्रल विस्तरण चूर्ण	IS : 7121—1973 कार्बाराइल जल विमर्शीय साइ. तूर्ण की विशिष्टि।	[मंड्या मी.एम. शी. 55 : 0928058] प्र० एम० शीमा, अपर विधानिक

MINISTRY OF FOOD & CIVIL SUPPLIES

(Department of Civil Supplies)

INDIAN STANDARDS INSTITUTION

New Delhi, 1984-01-18

S. O. 446.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation 1955 as amended from time to time, the Indian Standards Institution hereby notifies that licence No. CM/L-0928058 particulars of which are given in the schedule below has been cancelled with effect from Sixteenth September One Thousand Nine Hundred and Eightythree.

SCHEDULE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process covered by the licence cancelled	Relevant Indian Standards
1.	CM/L-0928058 1980 12 31	M/s Southern Insecticides & Fertilizers, P. B. No. 490, 3rd Floor, Paren Commercial Complex, Gemini Studio Campus, Madras-600 006	Carbaryl 50% WDP	IS : 7121-1973—Specification for Carbaryl Water Dispersible Powder Concentrates.

[CMD/55 : 0928058]

A.S. CHEEMA, Adl. Director General (Marks)

नौकरहन और परिवहन मंत्रालय

(परिवहन पथ)

गुद्धि-पत्र

नई दिल्ली, 27 जनवरी, 1984

का० शा० 447—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 12 नवम्बर, 1983 के पृष्ठ 4330 पर प्रकाशित भारत मरकार के नौकरहन और परिवहन मंत्रालय को अधिसूचना सं० 4171, तारीख 20 अक्टूबर, 1983 में :—

25वीं पंक्ति में “कैंटीलीवर डेरिक” के स्थान पर “कैंटीलीवर स्ट्रिंगिंग डेरिक” पढ़ें।

[का०म० एल०झ०सी०/32/82-एन०-4]

वी० संकरालिङ्गम, उप सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(TRANSPORT WING)

CORRIGENDUM

New Delhi, the 27th January, 1984

S.O. 447—In the notification of the Government of India, in the Ministry of Shipping and Transport, No. 4171, dated the 20th October, 1983, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 12th November, 1983 at page 4330 :—

- (i) in column 1,—
(a) in line 1, for “Scheme to” read “Scheme”;
- (b) in line 5, for “(19 of 1948)” read “(9 of 1948)”;
- (ii) in column 2, in line 7 for “date of” read “date of its”.

[F. No. LDC/32/82-L. IV]

V. SANKARALINGAM, Dy. Secy.

सूचना और प्रसारण मंत्रालय

भारदेश

नई दिल्ली, 15 दिसम्बर, 1983

का० अ० 448.—फिल्म सलाहकार बोर्ड के आर्याविषय से संबंधित विविध के नियम 14 (ब) के उपरन्थी के अन्तर्गत प्रशंसन अधिकारी का प्रयोग करने हुए, क्षेत्रीय सरकार एवं द्वारा इसके भाष्य लगी अनुसूची के कालम 2 में दी गई फिल्मों को उपरोक्त अधिकारी का प्रयोग करने के लिए उक्त अनुसूची के कालम 6 में दिया हुआ है, खोजन करती है—

अनुसूची

अम संख्या	फि०म का नाम	फि०म को भवानी (सॉटरो में)	प्रावेशक का नाम	नियमों का नाम	वया वैज्ञानिक फि०म ही या शिक्षा संबंधी फि०म ही या समाचार और गामयिक पठनाओं की फि०म ही या चाक्रमर्ती फि०म ही।
1	2	3	4	5	6
1.	भारतीय समाचार समीक्षा 1818	297	फिल्म प्रभाग, भारत सरकार, 24, पेटर रोड, बम्बई-26	-	समाचार और सामयिक पठनाओं की फि०म। क्रमशः सामान्य और क्षेत्रीय प्रदर्शन के लिए।
2	भारतीय समाचार समीक्षा 1819 और भारतीय समाचार समीक्षा 1819 (क्षेत्रीय पूर्व)	283	-नदैव-	-	-
3.	भारतीय समाचार समीक्षा 1820 और भारतीय समाचार समीक्षा 1820 (क्षेत्रीय दक्षिण)	296	-नदैव-	-	समाचार और सामयिक पठनाओं की फि०म। क्रमशः सामान्य और क्षेत्रीय प्रदर्शन के लिए।
4.	भारतीय समाचार समीक्षा 1821 और भारतीय समीक्षा 1821 (क्षेत्रीय पञ्चमी)	290	फिल्म प्रभाग, भारत सरकार, 24, पेटर रोड, बम्बई-26	-	समाचार और सामयिक पठनाओं की फि०म। क्रमशः सामान्य और क्षेत्रीय प्रदर्शन के लिए।
5.	भारतीय समाचार सर्वाक्षा 1822	293	-नदैव-	-	समाचार और सामयिक पठनाओं की फि०म। रामान्य प्रदर्शन के लिए।
6.	भारतीय समाचार सर्वाक्षा 1823	298	-नदैव-	-	-
7	भारतीय समाचार सर्वाक्षा 1824 और भारतीय समाचार 1824 (क्षेत्रीय उत्तर)	284	-नदैव-	-	समाचार और सामयिक पठनाओं की फि०म। क्रमशः सामान्य और क्षेत्रीय प्रदर्शन के लिये।
8.	भारतीय समाचार सर्वाक्षा 1825 और भारतीय समाचार सर्वाक्षा 1825 (क्षेत्रीय पूर्व)	294	-नदैव-	-	-
9.	भारतीय समाचार सर्वाक्षा, समाचार मेंगजीत संक्षया 19	597	-नदैव-	-	समाचार और सामयिक पठनाओं की फि०म। समान्य प्रदर्शन के लिये।
10.	भारतीय समाचार सर्वाक्षा 1826	264	-नदैव-	-	-
11.	भारतीय समाचार सर्वाक्षा 1827 और भारतीय समाचार सर्वाक्षा 1827 (क्षेत्रीय दक्षिण)	304	-नदैव-	-	समाचार और सामयिक पठनाओं की फि०म। क्रमशः सामान्य और क्षेत्रीय प्रदर्शन के लिये।
12.	भारतीय समाचार सर्वाक्षा 1828 और भारतीय समाचार सर्वाक्षा 1828 (क्षेत्रीय पञ्चमी)	301	फिल्म प्रभाग, भारत सरकार, 24, पेटर रोड, बम्बई-26	-	समाचार और सामयिक पठनाओं की फि०म। क्रमशः सामान्य और क्षेत्रीय प्रदर्शन के लिये।
13.	भारतीय समाचार सर्वाक्षा 1828-प	232	फिल्म प्रभाग, भारत सरकार 24, पेटर रोड, बम्बई-26	-	समाचार और सामयिक पठनाओं की फि०म। समान्य प्रदर्शन के लिये।

MINISTRY OF INFORMATION & BROADCASTING

ORDIR

Now Delhi, the 15th December, 1983

S.O. 448.—In exercise of the powers vested under the provisions of Rule 14(b) of the Regulations relating to the working of the Film Advisory Board, the Central Government hereby approves films specified in column 2 of the Schedule annexed hereto in all its/their languages versions to be of the description specified against it/each in column 6 of the said schedule.

SCHEDULE

Sl. No.	Title of the film	Length of the film (in metres)	Name of the applic- ant	Name of the pro- ducer	Brief synopsis. Whether a scientific film or for educa- tional purposes or a film dealing with news, current events and documentary film
1	2	3	4	5	6
1.	INR 1818	297	Film Division, Government of India, 24-Peddar Road, Bombay.	-do-	News and current events. General release.
2.	INR 1819 & INR 1819 (Regional East)	283		-do-	News & current events. General and regional release respectively.
3.	INR 1820 & INR 1820 (Regional South)	296		-do-	-do-
4.	INR 1821 & INR 1821 (Regional West)	290		-do-	-do-
5.	INR 1822	293		-do-	News and Current events. General release.
6.	INR 1823	298		-do-	-do-
7.	JNR 1824 & INR 1824 (Regional North)	284		-do-	News and Current events. General and regional release respectively.
8.	INR 1825 & INR 1825 (Regional East)	294		-do-	-do-
9.	INR News Magazine No. 19	597		-do-	News and Current events. General release.
10.	INR 1826	264		-do-	-do-
11.	JNR 1827 & INR 1827 (Regional South)	304		-do-	News and Current events. General and regional release respectively.
12.	INR 1828 & INR 1828 (Regional West)	301		-do-	-do-
13.	INR 1828 -A	232		-do-	News and Current events. General release.

[File No. 315/1/83-F(P)]

SUKUMAR MANDAL, Deck Officer

संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 25 जनवरी, 1984

का० आ० 449.—स्थापी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड 11 के पैरा (क) के अनुसार डाक-तार महानिवेशक मेलाडी टेलीफोन केन्द्र में दिनांक 16-2-84 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया।

[संख्या 5-9/84-पीएचबी]

वेद प्रकाश भारद्वाज, (सहायक महानिवेशक) पी०एच०बी०

MINISTRY OF COMMUNICATIONS

(P&T BOARD)

New Delhi, the 25th January, 1984

S.O. 449.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 16-2-1984 as the date on which the Measured Rate System will be introduced in Melati Telephone Exchange Kerala Circle.

[No. 5-9/84-PHB]

V. P. BHARDWAJ, Asstt. Director General (PHB)

श्रम और उन्नति मंत्रालय

(श्रम विभाग)

नई दिल्ली, 21 जनवरी, 1984

का० आ० 450.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स विजय कम्पनीजल कोअप, बैंक लिमिटेड, कनक रोड, राजकोट, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शर्तियों का प्रयोग करने हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एस-35019(400)/83/पी०एफ०-II]

MINISTRY OF LABOUR & REHABILITATION

(Department of Labour)

New Delhi, the 21st January, 1984

S.O. 450.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the said establishment known as Messrs Vijay Commercial Co-operative Bank Limited, Kanak Road, Rajkot, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(400)/83-PR-II]

का० आ० 451.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जयपुर ब्रालिटी कैटरर्स, E-3, गोखले मार्ग, "सी"-स्कीम, जयपुर, राजस्थान नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एस-35019(402)/83-पी०एफ०-II]

S.O. 451.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the said establishment known as Messrs Jaipur Quality Caterers E-3, Gokhle Marg, 'C-Scheme, Jaipur, Rajasthan have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment

[No. S-35019(402)/83-PR-II]

नई दिल्ली, 25 जनवरी, 1984

का० आ० 452.—मैसर्स ब्रालियर रेबन सिल्क मन्यू-फैक्चरिंग (विचिंग) कंपनी लिमिटेड, कैम्पिकल डिविजन, बिरला ग्राम, नागदा, मध्य प्रदेश (मध्य प्रदेश/2094), जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया) की धारा 17 की उपधारा (12-क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2-क) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए और इससे उपावद्ध अनुमूली में विनियोजित शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर विनिर्दिष्ट करें।
2. नियोजक, ऐसे निरीक्षण प्रभारी का प्रत्येक मास की समाप्ति के पन्द्रह दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3-क) के अंडे (क) के अधीन समय-समय पर निर्दिष्ट करें।
3. सामूहिक बीमा स्कीम के प्रशंसन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अंतरण, निरीक्षण प्रभारी का संदाय अर्थात् यो है, होने वाले सभी व्यावरों का वहन नियोजक द्वारा किया जाएगा।
4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।
5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदर्श करेगा।
6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपबंध फायदे वहाँ जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में सम्बंधित रूप से बृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के निए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुग्रह हैं।
7. सामूहिक बीमा स्कीम में किसी बात के हासि हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक बारिस/नामनिर्देशित को प्रतिक्रिया रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।
8. सामूहिक बीमा स्कीम के उपबंधों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किमी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्थिर करने का युक्तियुक्त अवसर देगा।
9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिस स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी किसी रीत से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।
10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।
11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मूल सदस्यों के नामनिर्देशितयों या विधिक बारिसों को जो यदि वह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संबाय का उत्तरदायित्व नियोजक पर होगा।
12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नामनिर्देशितयों/विधिक बारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/73/80-पी०एफ०-II]

New Delhi, the 25th January, 1984

S.O. 452.—Whereas Messrs Gwalior Rayon Silk Manufacturing (Wvg.) Company Limited., Chemical Division, Birlagram, Nagada, Madhya Pradesh (MP/2094) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees, Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme).

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Madhya Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.
2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium, etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of insurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominees/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S-35014 (73)/80-PF. II]

A. K. BHATTARAI. Under Secy.

नई दिल्ली, 27 जनवरी, 1984

का० आ० 453 :— केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स लिंगडे नायजन अफिस, 211, सूर्यकर्ण बिल्डिंग, कस्तुरबा गांधी मार्ग, नई दिल्ली-110001, नामक स्थापन से सम्बद्ध नियोजक

और कर्मचारियों की बहुसंख्या इस बात पर सहमत है। गई किंवद्दन भविष्य निधि आवृत्ति प्रकार्ता उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019/1/84-पी०एफ०-II]

New Delhi, the 27th January, 1984

S.O. 453.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Linde Aktien Gesellschaft (Linde Liaison Office) 211, Suryakiran Building, Kasturba Gandhi Marg, New Delhi-110001 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(1)/84-P.F. III]

का०आ० 454 :— केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मैस्ट इण्डस्ट्रीज, इंक०, 202/204 विक्रम टावर, राजेन्द्रा प्लैस, पुसा रोड, नई दिल्ली-110008 अपनी बम्बई तथा मद्रास स्थित शाखाओं सहित, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारियों की भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35019/255/83-पी० एफ०-III]

S.O. 454.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mast Industries Inc., 202/204 Vikram Tower, Rajendra Place, Pusa Road, New Delhi-110008 including its branches at Bombay and Madras have agreed that the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(255)/83-PF. III]

का०आ० 455 :— केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स राजेन्द्रा रोड कम्पनी, 2-चर्च लेन, कलकत्ता नामक स्थापन गैंग सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि

कर्मचारी भवित्व निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[संख्या एस-35017/91/82-पी० एफ-२]

S.O. 455.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Rajesh Khaitan and Company, 2, Church Lane, Calcutta-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35017(91)/82-PF. II]

का० आ० 456.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स डिलेक्स एटलन्टिक जीज 94, मटियाला बिल्डिंग निवार उत्तम नगर, नजफगढ़ रोड, नई दिल्ली-१८, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुमंस्य दृम वात पर सहमत हो गई है कि कर्मचारी भवित्व निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस-35019(2)/84-पी० एफ-२]

S.O. 456.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Delux Enterprises, 94, Matiala Village, near Uttam Nagar, Najafgarh road, New Delhi-18, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35019(2)/84-PF. II]

का० आ० 457.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सीमा होटलम एण्ड रिमोस्टेशन लिमिटेड, 16, होयस्ट हूडम, नारीमत प्लायट, वम्बई-२१ और इन्हाँ कार्यालय 244, एन्टोनियो केटली पास्ट्रो रोड, बोगडा, मार्गांडो, गोवा-403602, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुमंस्य दृम वात पर नहमत हो गई है कि कर्मचारी भवित्व निधि और प्रकीर्ण उपबंध अधिनियम,

1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन की लागू करती है।

[सं० एस-35018 (1)/84-पी० एफ-०-२]

ए० क० भट्टाराई, अव० सचिव

S.O. 457.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Sima Hotel and Resorts Limited, 16th Hoechst House, Nariman point, Bombay-21 including its branch at 244, Antonio Caetano Pacheco Road, Borda, Margao, Goa-403602 have agreed that the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35018(1)/84-PF-II]

ए. क० भट्टाराई, Under Secy.

नई दिल्ली, 28 जनवरी, 1984

का० आ० 458.—खान अधिनियम 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, श्रम और पुनर्वास मंत्रालय (श्रम विभाग) की अधिसूचनाएं संख्या ए-24011/1/83-एम० I दिनांक 12 दिसम्बर 1983 और 3 जनवरी 1984 का अंतिक्षण करते हुए केन्द्रीय सरकार एतद्वारा श्री एच०एस०आहुजा को उस सर्वो राज्य खेत्र के लिए जिस पर उक्त अधिनियम का विस्तार है, 27 जनवरी 1984 को अंत से मुख्य खान नियुक्त करती है।

[सं० ए-24011/1/83-एम० 1]

ए० क० जैन, अव० सचिव

New Delhi, the 28th January, 1984

S.O. 458.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act 1952 (35 of 1952) and in supersession of the notifications of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour) No. A-24011/1/83-M. I, dated 12th December 1983 and 3rd January 1984, the Central Government hereby appoints Shri H. S. Ahuja with effect from 27th January 1984 to be the Chief Inspector of Mines for all the territories to which the said Act extends.

[No. A-24011/1/83-M. I]

जैन, Under Secy.

नई दिल्ली, 29 जनवरी, 1984

का० आ० 459.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स गार्डिकॉफिनिस मणीन टूल कम्पनी प्राइवेट लिंग० (वर्ष), गारिया मेन रोड, गारिया (24 परगना) बेस्ट वंगाल अ० इसका

श्राफिस 18/1-ए हज्जरा रोड (सैकेंड फॉर्सेर) कलकत्ता-700026 में स्थित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या हम बात पर सहमत हो गई कि कर्मचारी भविष्य निधि और प्रकोण उपबंध अधिनियम, 1952 (1952 का 19) उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस०-35017(2)/84/पी०एफ०-2]

New Delhi, the 29th January, 1984

S.O. 459.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Microfinish Machine Tool Company Private Limited (Works), Garia Main Road, Garia (24-Purnaganj) West Bengal including its office at 18/1A, Hazra Road, (2nd Floor), Calcutta-700026, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S-35017(2)/84-PF. II]

नई दिल्ली, 10 जनवरी 1984

काठा 460.—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकोण उपबंध अधिनियम 1952 (1952 का 19) की धारा 17 की उपधारा (4) के अंडे (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वतंत्र व्रत और राजनीति विभाग की अधिसूचना सं० काठा० 2609 तारीख 10 जूलाई, 1971 द्वारा उक्त अधिनियम की धारा 17 की उपधारा (1) के अंडे (क) के अंतर्न मैसर्स न्यू इंडिया फिल्म्स लिमिटेड नवाहा उत्तराखण, सेशन इक्योवाला, बाम्बे-5 (एम्ब०-7732) को दो रुपये के द्वारा त्रुटा दृष्ट करती है।

[सं० एस०-35023/2/83-पी०एफ०-2]

New Delhi, the 30th January, 1984

S.O. 460.—In exercise of the powers conferred by clause (a) of sub-section (4) of section 17 of the Employees' Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952), the Central Government hereby cancels with immediate effect, the exemption granted to Messrs New India Fisheries Limited, Satna House, Sassoon Dock, Colaba, Bombay-5 (MH-7732) under clause (a) of sub-section (1) of the section 17 of the said Act by the notification of the Government of India in the late Department of Labour and Employment No. S.O. 2609 dated the 10th July, 1971.

[No. S-35023/2/83-PF. III]

काठा 461.—मैसर्स एंडर ड्रिक्स (नई दिल्ली) लिमिटेड सरकारी मोहन फिल्म लिमिटेड नवाहा द्वारा नई दिल्ली-110001 (शिल्पी/1091) (जिसे हमें हमें हमें उक्त स्थापन द्वारा दृष्ट किया जाता है) ने कर्मचारी भविष्य निधि और प्रकोण उपबंध अधिनियम 1952 (1952 का 19) (जिसे हमें हमें हमें उक्त स्थापन द्वारा अधिनियम, नहीं दृष्ट किया जाता है) की धारा 17 की उपधारा (2क) का नवाहा द्वारा दृष्ट किया जाता है,

और केन्द्रीय सरकार का समावाहन हो जाता है कि उक्त स्थापन के कर्मचारी, किंग पूरब अभियान या प्रोमिस का सन्दर्भ किया जाना है, गर्वात्मा जोन बैंक नियम का सामूहिक व्रत स्कीम के अंतर्न जोन बैंक नियम के द्वारा दृष्ट किया जाता है और ऐसे कर्मचारियों के लिए ये कायदे उक्त फायदों से अधिक अनुकूल हैं जो कर्मचाराओं नियम गतवद बैंक स्कीम 1976 (जिसे हमें हमें उक्त स्थापन द्वारा दृष्ट किया जाता है) के अंतर्न उन्हें अनुकूल हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए प्रोटॉकॉल उक्त स्थापन में विनियोजित शर्तों के अंतर्न रहते हुए, उक्त स्थापन की नीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देना है।

अनुमोदी

1. उक्त स्थापन के संबंध में दियोजन प्रादेशिक भविष्य निधि आयुक्त दिल्ली को ऐसा विवरणित किया जाए और ऐसे लिखा रखेगा तथा नियमक्रम के लिए ऐसा सुविधान प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर नियिष्ट करे।

2. नियोजक, ऐसे नियोजन प्रभारों का प्रत्येक माम की समाप्ति के 15 दिन के भीतर संवाद करेगा जो केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपधारा (2क) के अंडे (क) के अंतर्न समय-समय पर नियिष्ट करे।

3. सामूहिक बैंक स्कीम के प्रणाली में जिसके अन्तर्न लेक्काओं का रखा जाता, विवरणियों का प्रस्तुत किया जाता, बैंक प्रभियम का संदर्भ, लेक्काओं का अन्तरण, निराकार प्रभार समाप्त अवधि भी है, होने वाले सभी अवधियों का बहुत नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बैंक स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए तब उस संशोधन की एक प्रति तथा कर्मचारियों का बदुरंगठन का भाग में उसका नाम तुरन्न दर्ज करेगा और उसका बाबत आवश्यक प्राभियम भागवत जावें नियम को संकेत करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अंतर्न छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही संवाद है उसके स्थापन में नियोजित किया जाना है तो, नियोजक, सामूहिक बैंक स्कीम के सदस्य के रूप में उसका नाम तुरन्न दर्ज करेगा और उसका बाबत आवश्यक प्राभियम भागवत जावें नियम को संकेत करेगा।

6. यदि उक्त स्कीम के अंतर्न कर्मचारियों को उपलब्ध कायदे द्वारा देते हैं, तो नियोजक सामूहिक बैंक स्कीम के अंतर्न कर्मचारियों को उपलब्ध कायदों में समुचित रूप से बृूत का जाते की व्यवस्था करेगा जिसके कर्मचारियों के लिए सामूहिक बैंक स्कीम के अंतर्न उपलब्ध कायदे उक्त कायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अंतर्न अनुकूल हैं।

7. सामूहिक बैंक स्कीम में किसी बात के होने हुए भी यदि किसी कर्मचारी का भूधु पर इस स्कीम के अंतर्न मन्देय रकम उभ रकम में बढ़ जाता होता तो कर्मचारी का उभ वर्ष में बंदर्य होता जब उक्त स्कीम के अंतर्न होता तो नियोजक समिति के विविध वार्षिक/नामनिर्देशिती को को प्रतिक्रिया करने में दोनों रकमों के अंतर के बाबत रकम का संदर्भ करेगा।

8. सामूहिक बैंक स्कीम के उपबंधों में कोई भी संशोधन प्रावेशिक भविष्य निधि आयुक्त दिल्ली के द्वारा नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ने की संभावना हो यहाँ प्रावेशिक भविष्य निधि आयुक्त अस्ता अनुमोदन देने गे पूर्व कर्मचारियों ने जाना दृष्टिकोण त्राप्त होने का युक्तियुक्त अवसर देता।

9. यदि किसी कारणश स्थापन के कर्मचारी भारतीय जीवन बीमा नियम की उक्त सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रूप से कम हो जाते हैं; तो यह रुप की जा सकती है।

10. यदि किसी कारणश नियोजित उक्त नियत तारेख के भीतर, जो भारतीय जीवन बीमा नियम नियत करे प्रभियम का संदाय करने में असफल रहता है, और पालिसी को व्यवस्था हो जाने दिया जाता है तो छूट रुप की जा सकती है।

11. नियोजक द्वारा प्रभियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशियों या विधिक वारियों को जो यदि यह छूट न दाँ गई होता तो उक्त स्कीम के अन्वर्गत होने, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य को मृत्यु होने पर उसके हकदार नामनिर्देशियों/विधिक वारियों को बोमाकृत रकम का संदाय तत्प्रता से और प्रत्येक दशा में भारतीय जीवन बीमा नियम से बोमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[संख्या एम-35014/3/84-पोषफ०-2]

S.O. 461.—Whereas Messrs Pure Drinks (New Delhi) Limited, Sardar Mohan Singh Building, Connaught Lane, New Delhi-110001 (DL/1091) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Delhi, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Delhi and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014(3)/84-PF.II]

का० आ० 462—मैसर्स इण्डियन हैंडीक्राफ्ट्स, 24-नेहरू प्लेस, नई दिल्ली-110019 (दिल्ली-3496) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रभियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा नियम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निष्केप सहबद्ध बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुक्षय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहने द्वारा, उक्त स्थापन की तीन वर्ष की अवधि के लिए उक्त स्कीम के गमी उपायों के प्रवर्तन से छूट देती है।

अनुसूनी

1. उक्त स्थापन के मध्य में नियोजक प्रादेशिक भविष्य निधि आयुक्त, दिल्ली को ऐसी विवरणों द्वारा और ऐसे लेखा रखेगा तथा निर्णय के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निर्णय प्रभारी का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के बाण्ड (क) के अधीन समय-समय पर निर्दिष्ट करें।

3. तामूहिक बीमा स्कीम के प्रणाली में, जिसके अन्तर्गत नेतृत्वार्ओ का रखा जाना विवरणों का प्रमुख किया जाना, बीमा प्राप्तियों का संदाय, लेखाओं का अन्तरण, निर्णय प्रभारी का संदाय आदि भी है हाँ तो उन सभी घटयों का अवलोकन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार हारा अनुबोधित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाए, तब उन संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की मांगा भै उसकी मुख्य बानों का अनुबाद, स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छृष्ट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही मध्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के मध्य के रूप में उसका नाम तुरस्त रख करेगा और उसकी बाबत आवश्यक प्राप्तियों भारतीय जीवन बीमा नियम को संदर्भ करेगा।

6. अदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ायें जाते हैं तो, नियोजक गामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाते की अवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुशेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन लावेह रकम उग रकम में कम है जो कर्मचारी को उस घटना में लाभेह होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विभिन्न वारिस/नामनिर्देशियों को प्रतिक्रिय के रूप में दोनों रकमों के अन्तर के बगवार रकम की संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपलब्धों में कोई भी संशोधन, प्रावेशिक भविष्य निधि आयुक्त, दिल्ली के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ते ही संभावना हो बढ़ा, प्रावेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणबास स्थापन के कर्मचारी, भारतीय जीवन बीमा नियम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीत से कम हो जाते हैं, तो यह रकम का जा सकती है।

10. यदि किसी कारणबास, नियोजक उम्म नियन तारीख के भीतर, जो भारतीय जीवन बीमा नियम नियन करें, प्राप्तियों का संदाय करने में असफल रहता है, और प्राप्तियों को अपना लौटा जाने दिया जाता है तो छृष्ट की जा गकती है।

11. नियोजक द्वारा प्राप्तियों के संदाय में किए गए किसी व्यतिक्रम की दृष्टि में उन मूल मध्यों के नामनिर्देशियों या नियन तारीख का

जो यदि यह छृष्ट न हो गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तराधिकार नियोजक पर होता।

12. उक्त स्थापन के मध्य में नियोजक प्रावेशिक भविष्य निधि आयुक्त, दिल्ली को ऐसी विवरणों प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

[मंस्या एम-35014/5/4-प० एफ० 2]

S.O. 462.—Whereas Messrs Indian Handicrafts, 24-Nehru Place, New Delhi-110019 (DL/3496) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Delhi, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Delhi and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees of the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee / legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014(5)/84-PF. II]

मई दिल्ली 31 जनवरी, 1984

का० आ० 463—मैसर्ज द्वितीय स्थान (प्रा०) लिमिटेड, जी०टा० गोप्ता,
राइ, मौनीपुर (पंजाब / 3839) (जिसे इसमें इसके पश्चात् उक्त स्थापन
कहा गया है) ने कर्मचारी अधिक्षय निधि और प्रकार्ज उपयोग अधिनियम
1952 (1952 का 19) जिसे इसमें इसके पश्चात् उक्त अधिनियम
कहा गया है की धारा 17 की उपयोगा (2क) के अधीन छूट दिए
जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो याया है कि उक्त स्थापन के
कर्मचारी, किसी पृथक अधिकाय या प्रीमियम का सन्दर्भ किए विना ही,
भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन
बीमा के रूप में कायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये
कायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निभेप गहवङ्ग बीमा
स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है)
के अधीन उन्हें अनुज्ञय हैं:

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपयोगा
(2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसमें उपायद्वा
अनुसूची में विनियिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को लीन
वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट
देती है।

अनुशूर्व:

1. उक्त स्थापन के संबंध में नियोजक प्रावेशिक भविष्य निधि आयुक्त, पंजाब को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रशान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रयोग कास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिकाय की धारा 17 की उपयोगा (2क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना विवरणियों का प्रस्तुत किया जाता, बीमा प्रीमियम का 1345GI/8J—9

संदाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों का संदाय आदि भी होने
वाले सभी व्यायों का बहुत नियोजन द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाए तब
उस संशोधन की प्रति तथा कर्मचारियों की अनुसूच्या की भाषा में उसकी
मुख्य बातों का अनुशासन, स्थापन के मूल्य पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त
अधिनियम के अधीन छूट प्राप्त किया स्थापन की भविष्य निधि का पहले
ही यदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक,
सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त बर्ज करेगा
और उसकी आवत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को
संकरत करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपबन्ध कायदे बहाये
जाने हैं, तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को
उपलब्ध कायदों में समूचित रूप से बढ़ि की जाने की व्यवस्था करेगा
जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपबन्ध
कायदे उन कायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन
जानेगी हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी
कर्मचारी की मर्यादा पर इस स्कीम के अधीन संवेद्य रकम उम रकम से
कम है जो कर्मचारी को उम दशा में संवेद्य होती जब वह उक्त स्कीम
के अधीन होता होता तो, नियोजक कर्मचारी के विधिक वारिस / नामनिर्देशिनी
को प्रतिकर के रूप में थोनों रकमों के अन्तर के अन्तर के वरावर रकम का संवाद
करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रावेशिक
भविष्य निधि आयुक्त, पंजाब के पूर्व अनुमोदन के बिना नहीं किया जाएगा
और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव
पहने की संभावना हो रही हो, प्रावेशिक भविष्य निधि आयुक्त अपना अनुमोदन
देने से पूर्व कर्मचारियों को अपना दुष्टिकोण स्पष्ट करने का दुक्तिपूर्व
अवसर देगा।

9. यदि किसी कारणवश, रथापन के कर्मचारी भारतीय जीवन
बीमा निगम की उम सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना
चुका है अधीन नहीं रह जाने हैं, तो इस स्कीम के अधीन कर्मचारियों
को प्राप्त होने वाले कायदे किसी भीति से कम हो जाते हैं; तो यह रक्त
की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत हातीक के भीतर, जो
भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में
थककर रहता है, और पातिसी को व्यापत हो जाने दिया जाता है तो
छूट रक्त की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यक्ति कम
की दण में उन पूर्व मवस्थों के नाम निर्देशितियों या विधिक वारिसों की जो
यदि यह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होने, बीमा कायदों
के संदाय का उत्तराधिक नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन अने
वाले किसी सदस्य की मूल्य होने पर उसके हक्कावार नाम निर्देशितियों/
विधिक वारिसों को बीमाकृत रकम का संदाय तत्पात्रता से और प्रत्येक दशा
में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन
के भीतर सुनिश्चित करेगा।

New Delhi, the 31st January, 1984

S.O. 463.—Whereas Messrs Hilton Rubbers (P) Limited, G.T. Road, Rai, Sonipat (PN/3839) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Punjab, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Punjab and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance

Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014(4)/84-PF.II]

A. K. BHATTARAI, Under Secy.

(प्रत्यक्ष विभाग)

मई विली 17 जनवरी, 1984

का०आ० 464—विस्थापित घटित (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुख्य बल्दोबस्त आयुक्त, पुनर्वास किंवा में प्रवर सचिव श्री रतन लाल जिन्हे दिनांक 17 जनवरी, 1984 की समस्याक अधिसूचना द्वारा बल्दोबस्त आयुक्त नियुक्त किया गया है, को उक्त नियम की धारा 23 और 24 के अंतर्गत अपीलों की मुनबाहि तथा इन धाराओं के प्रधीन पुनरीक्षित सम्बन्धी शक्तियाँ सौंपते हैं।

[संख्या 1(3)/थिरेष देल/83-एस०एस० ii(ब)]
ए०क० मुख्य अधिसूचना आयुक्त

(Department of Rehabilitation)

New Delhi, the 17th January, 1984

S.O. 464.—In exercise of the powers conferred by sub-section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Chief Settlement Commissioner hereby delegates to Shri Rattan Lal, Under Secretary in the Department of Rehabilitation who has been appointed as Settlement Commissioner vide Notification of even number dated the 17th January, 1984, the powers under section 23 and 24 of the said act for the purpose of hearing appeals and revisions under these Sections.

[No. 1(3)/Spl-Cell/83-SSII(B)]

A. K. MUKHERJEE, Chief Settlement Commissioner

मई विली, 13 जनवरी, 1984

का०आ० 465—निष्पात्त हिन (पथकरण) अधिनियम 1951 (1951 का 64) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा श्री जे०म० मलिक उपन्यायाधीश, प्रथम खेणी, विली को अपने कार्यभार के अतिरिक्त, उक्त अधिनियम के अधीन उनकी सभे गये कार्यों के निष्पादन तथा शक्तियों का प्रयोग करते के लिए संघ शासित क्षेत्र विली के लिए सक्षम अधिकारी नियुक्त करती है।

इसके द्वारा दिनांक 7 अप्रैल, 1982 की अधिसूचना संख्या 1(4) 82-विं स०-एस०एस० II का अधिक्रमण किया जाता है।

[संख्या 1(24)/83-विं स०-एस०एस०-II]
के०सी० गैहानी, उप सचिव

नई दिल्ली, 25 जनवरी, 1984

का० आ० 468 :—केन्द्रीय सरकार वा यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (६) के उपखण्ड (VI) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 338) तारीख 16 अगस्त, 1983 द्वारा इंडियन गवर्नमेंट मिट, बम्बई की उक्त अधिनियम के प्रयोजनों के लिए 24 अगस्त, 1983 से छः माह की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि का छः माह की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (६) के उपखण्ड (VI) के परन्तु कालावधि का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग का उक्त अधिनियम के प्रयोजनों के लिए 24 फरवरी, 1984 से छः माह की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का० सं० एस-11017/15/81-डी-१(ए)]

New Delhi, the 25th January, 1984

S.O. 468.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 3389 dated the 16th August, 1983 the India Government Mint, Bombay to be a public utility service for the purposes of the said Act, for a period of six months, from the 24th August, 1983.

And whereas, the Central Government is of opinion that public interest required the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 24th February, 1984.

[No. S-11017/15/81-D.I(A)]

नई दिल्ली, 30 जनवरी, 1984

का० आ० 469.—केन्द्रीय सरकार औद्योगिक रोक्षार (स्थायी आवेदन) अधिनियम 1946 (1946 का अधिनियम 20) की धारा 2 के खण्ड (ग) के अनुसरण में और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या 4287 तारीख 14 अक्टूबर, 1976 के क्रम में उप श्रमायुक्त (केन्द्रीय), धनबाद को केन्द्रीय सरकार या रेलवे प्रशासन के नियन्त्रण अधीन या मुक्त पतन खान या तेल जैव में स्थित औद्योगिक प्रतिष्ठानों के संबंध में उक्त अधिनियम के अधान प्रमाणक अधिकारी के सर्वोक्तु करने के लिए नियुक्त करता है।

के संबंध में उक्त अधिनियम के अधान प्रमाणक अधिकारी के सर्वोक्तु करने के लिए नियुक्त करता है।

[का० सं० एस-12013/1/84-ड-१(ए)]

New Delhi, the 30th January, 1984

S.O. 469.—In pursuance of clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Act 20 of 1946), and in continuation of notification of the Government of India in the Ministry of Labour No. S.O. 4287 dated the 14th October, 1976, the Central Government hereby appoints the Deputy Chief Labour Commissioner (Central), Dhanbad, to perform all the functions of a Certifying Officer under the said Act, in relation to industrial establishments under the control of the Central Government or a Railway administration or in a major port, mine or oil-field.

[F. No. S-12013/1/84-D. I(A)]

का० आ० 470.—केन्द्रीय सरकार औद्योगिक रोक्षार (स्थायी आवेदन) अधिनियम, 1946 (1946 का अधिनियम 20) की धारा 2 के खण्ड (ग) के अनुसरण में और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या 4287 तारीख 14 अक्टूबर, 1976 के क्रम में, उप श्रमायुक्त (केन्द्रीय) धनबाद को केन्द्रीय सरकार या रेलवे प्रशासन के नियन्त्रण अधीन या मुक्त पतन खान या तेल जैव में स्थित औद्योगिक प्रतिष्ठानों के संबंध में उक्त अधिनियम के अधान प्रमाणक अधिकारी के सर्वोक्तु करने के लिए नियुक्त करता है।

[का० सं० एस-12013/1/84-ड-१(ए)]

एस-एच-आर-जनर, अवर सचिव

S.O. 470.—In pursuance of clause (c) of section 2 of the Industrial Employment Standing Orders) Act, 1946 (Act 20 of 1946), and in continuation of notification of the Government of India in the Ministry of Labour No. S.O. 4287 dated the 14th October, 1976, the Central Government hereby appoints the Deputy Chief Labour Commissioner (Central), Dhanbad, to perform all the functions of a Certifying Officer under the said Act, in relation to industrial establishments under the control of the Central Government or a Railway administration or in a major port, mine or oil-field.

[F. No. S-12013/1/84-D. I(A)]

S. H. S. IYER, Under Secy.

आदेश

नई दिल्ली, 29 नवम्बर, 1983

का० आ० 471.—आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) के अधीन बम्बई स्टेंडिंग्स एसोसिएशन लिं., बम्बई के प्रबंधसंतत से संबंधित नियोजकों ने और उनके कमिकारों ने जिनका प्रनियन्त्रित ट्रांसपोर्ट एण्ड डाक बर्कर्स यूनियन, बम्बई करती है, संयुक्त रूप से एक आवेदन, उक्त आवेदन में उल्लिखित किए गए बारे में जो इससे उपाबद्ध अनुसूची में दिए गए हैं, उनके बीच विद्यमान औद्योगिक विवाद को एक औद्योगिक अधिकारण को निवेशित करने के लिए केन्द्रीय सरकार को किया है।

और, केन्द्रीय सरकार का यह समाधान हो गया है कि आवेदन करने वाले व्यक्ति प्रत्येक पक्षवार के बहुमत का प्रतिमिहित करते हैं,

अतः, अब केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनके विवाद को उनके अधिनियम की धारा 7 के अधीन गठित केन्द्रीय सरकार, औद्योगिक अधिकरण सं. 1, बम्बई को न्यायालयितन के लिए निर्देशित करती है।

अनुसूची

"क्या मानवों के पक्षी नामों आए अस्थिरियों को, जिनके अन्तर्गत यह तथ्य है कि बम्बई स्टेवेडोर्स एसोसिएशन के घटकों ने पहले ही बोनस के बदले में 8-1/3 प्रतिशत ने अधिक अनुग्रहप्रवर्तक संदाय किया है, ध्यान में रखते हुए, कर्मकारों को (जैसे वे छाक थ्रॉ बोड के साथ नियमित कृत हैं या नहीं) वर्ष 1982-83 के लिए बोनस के बदले में 20 प्रतिशत की अनुग्रहप्रवर्तक संदाय को मांग न्यायोचित है? यदि नहीं तो क्या वे 8-1/3 प्रतिशत आर 20 प्रतिशत के बीच के किसी अन्य संदाय के हकदार हैं?

[सं. एल-31013/1/83-डी-4(ए)]

ORDER

New Delhi, the 28th/29th November, 1983

S.O. 471.—Whereas the employers in relation to the management of Bombay Stevedores' Association Limited, Bombay and their workmen represented by the Transport & Dock Workers' Union, Bombay, have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed :

And whereas the Central Government is satisfied that the persons applying represent the majority of each party :

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 1, Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether having regard to all the facts and circumstances of the case, including the fact that the constituents of the Bombay Stevedores' Association made payment in the past over and above 8-1/3 percent on account of ex-gratia in lieu of bonus, the demand of the employees (Whether registered with the Dock Labour Board or otherwise) for 1982-83 for ex-gratia in lieu of bonus at 20 per cent is justified? If not, whether they are entitled to any payment between 8-1/3 per cent and 20 percent?".

[No. I-31013/1/83/D-IV(A)]

आदेश

नई दिल्ली, 12 जनवरी 1984

का०आ० 472.—केन्द्रीय सरकार की यह राय है कि इसमें उपावच अनुमूल्य में किनिकिप्प विधि के बारे में न्यू बैंक आफ हंडिया वे प्रबन्धतन्त्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है,

और केन्द्रीय सरकार उनके विवाद को न्यायालयितन के लिए निर्देशित करना चाहती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 के और धारा 10 की उपधारा (i) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे, जिनका मुख्यालय जयपुर में होगा और उनके विवाद को उनके अधिकरण को न्यायालयितन के लिए निर्देशित करती है।

अनुसूची

"क्या न्यू बैंक आफ हंडिया, नई दिल्ली के प्रबन्धतन्त्र की अपनी चुरु शाखा के संबंध में श्री एस०सी० जोशी, चपरासी की सेवाओं को 2-9-1981 से समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुत्तोष का हकदार है?"

[संख्या एल-12012/22/83-डी-4(ए)]
एम०ए०प० पराशर, ऐस्टर अधिकारी

ORDER

New Delhi, the 12th January, 1984

S.O. 472.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of New Bank of India and their workman in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahender Bhushan Sharma, shall be the Presiding Officer with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of New Bank of India, New Delhi in relation to their Churu Branch in terminating the service of Shri S.C. Joshi, Peon with effect from 2-9-1981 is justified? If not to what relief is the workman concerned entitled?".

[No. L-12012/22/83] D-IV(A)
S.S. PRASHER, Desk Officer.

आदेश

नई विली, 5 नवम्बर, 1983

का० घा० 473:— प्रतिकूलम स्थित केरल उच्च न्यायालय ने 7 मार्च, 1983 वाले 1982 के घो० घी० सं० 6091 और 8 जून, 1983 वाले 1983 के उल्लू य० ए० सं० 300 में निपटारा भत्त व्यक्ति किया और यह आदेश दिया :—

“इस मामले के सभी पहलुओं पर विचार करने के बाव भैं समझता हूँ कि न्याय के उद्देश्य की पूर्ति उक्त दशा में हो सकती है, यदि अधिनिर्णय प्रदर्शी पी०-7, अभिखित कर दिया जाए और यह भासला, सूचना देने के और साथ पेश करने का युक्तियुक्त अवसर देने के बाद, यदि प्रिया करने के लिए न्यायोनित्य ही तो, विधि के अनुसार नए मिरे से निपटारा करने के लिए अधिकरण को प्रतिप्रेषित कर दिया जाए। तदनुमार, इस गार्ट पर कि 6,500 रुपए की उस राशि से प्रधिक जो 1982 के सविल प्रकीर्ण अर्जी सं 17326 में पारित आदेश में विए गए निवेश के अनुसार पहले ही संदर्भ कर दी गई है, आज से दो मास के भीतर 15,000 रुपए की गाँधी द्वितीय प्रत्यर्थी को संदर्भ कर दी जाए। यदि अर्जीदार दो मास की अनुबंध अवधि के भीतर इस रकम का संदाय नहीं करता है, तो सूनीय प्रत्यर्थी द्वारा पारित अधिनिर्णय, प्रदर्शी पी०-7 बना रखेगा और यह रिट्रायिका आदित ही जाएगी।”

“जब यह अपील आज ग्रहण किए जाने के लिए पेश की गई और हमने सूचना जारी करने का आदेश दिया, तो द्वितीय प्रत्यर्थी उपस्थित था और वह इस बात के लिए सहमत था कि इस अपील का ही निपटारा कर दिया जाए। विवान काउन्सेल श्री नयनार भी जो विवान एकल न्यायाधीश के समक्ष प्रथम प्रत्यर्थी की ओर से उपस्थित हुए थे इसका निपटारा किए जाने के लिए सहमत हो गए हैं। तृतीय प्रत्यर्थी को कोई भी सूचना देना आवश्यक नहीं है।

15,000 रुपए की यह रकम जिसके संदाय के लिए विवान एकल न्यायाधीश के निर्णय द्वाग निवेश दिया गया था, संदर्भ कर दी गई है, यद्यपि उसका संदाय सर्वथा दो मास के समय के भीतर नहीं किया गया है, और हम समय के भीतर संदाय करने में हुए विलम्ब भी माफ करने की प्रार्थना स्वीकार करने के लिए सहमत हुए हैं, त कि विवान एकल न्यायाधीश के आदेश को गुणागुण के आधार पर दी गई जुनौती को स्वीकार करने के लिए परिणामतः इस संदाय को समय के भीतर किए गए संदाय के रूप में समझा जाएगा और इसके परिणामस्वरूप विवान एकल न्यायाधीश का निर्णय अधिनिर्णय, प्रदर्शी पी०-7 को अभिखित करने के लिए प्रवर्तित होगा और यह भासला विधि के अनुसार नए सिरे से निपटारा करने के लिए अधिकरण को प्रतिप्रेषित कर दिया जाएगा। भासल स्थित आदेशिक प्रधिकरण इन निर्णय की प्रति प्राप्त होने की, जो कि प्रधिकरण को सीधे भेज दी जाएगी, तारीख से एक मास के भीतर इस मामले की सुनवाई को तारीख नियत करेगा और उसका निपटारा, किसी भी स्थिति में इस निर्णय की प्रति प्राप्ति की तारीख से दो मास से प्रधिक समय के बाद नहीं करेगा। द्वितीय प्रत्यर्थी ने यह आपेक्षा व्यक्त की कि कहीं ऐसा न हो कि उसे सूचना न मिले, और यह कहा कि यह सूचना इस पैसे पर जारी की जाए :

पी० वी० शशिधरन पिल्लई, रसिम निवास, पल्लंकुकल ई०ड, डाकखाना ट्रॉकेपारा ई०ड मरेपिकर।

हम यह निवेश देते हैं कि आदेशिक प्रधिकरण उस पैसे पर उसे सूचना जारी करे। द्वितीय प्रत्यर्थी को ट्रावनकोर के स्टेट बैंक द्वारा संदर्भ 15,000 रुपए की रकम का समायोजन मूल संदाय की दशा में अंतिम रूप से देय पाई गई रकम, जो भी हो, के प्रति किया जाएगा। चूंकि यह भासला अहत पुराना है, इसलिए इस मामले का निपटारा करना आवश्यक है और यही कारण है कि हमने आदेशिक प्रधिकरण द्वारा निपटारा किए

जाने के लिए समय सीमा नियत की है। पअकारों के पास जो भी भासभी होगी, वे उसके साथ आदेशिक प्रधिकरण को किए गए उस प्रतिप्रेषण के अनुसार में सामने से नियत किए जाने के प्रत्येक दिन ही आदेशिक प्रधिकरण के समक्ष पंथ करेंगे।”

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना बांधनीय समझती है;

अतः, केन्द्रीय सरकार, आदेशिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के अड०(प) द्वारा प्रदत्त एकत्रियों का प्रयोग करने हुए, एक आदेशिक प्रधिकरण गठित करती है जिसके पीठसीन अधिकारी श्री टी अहल राज होंगे, जिनका मृत्यालय मद्रास में होगा और उक्त विवाद को उक्त प्रधिकरण को उच्च न्यायालय के उपर्युक्त मत आदेश भवे ध्यान में रखते हुए न्यायनिर्णय के लिए निर्देशित करती है।

अनुमति

“क्या स्टेट बैंक आपके द्वावनकोर प्रबंधमंडल द्वारा पी० घी० शशिधरन पिल्लई को 10-3-1980 से बैंक की सेवा से उम्मुक्त करना न्यायोजित है, ? और यदि नहीं, तो कर्मकार किम प्रनुतोष का हक्कादार है?”

[मं. ए०-१२०१२/१७४/८१-डी-II(प)]

ORDER

New Delhi, the 5th November, 1983

S.O. 473.—Whereas the High Court of Kerala at Ernakulam has made the following observations and orders in O. P. No. 6091 of 1982 on 7th March, 1983 and in W.A. No. 300 of 1983 on 8th June, 1983 :—

“On a consideration of all aspects of the matter, I think, interests of justice could be met if Ext. P 7 award is quashed, and the matter is remanded to the Tribunal for fresh disposal in accordance with law after giving notice and reasonable opportunity to adduce evidence if there is justification for doing so. Accordingly, on condition that within two months from today a sum of Rs. 15,000 shall be paid to the 2nd respondent over and above the sum of Rs. 6,500 that has already been paid in accordance with the direction in the order passed in C.M.P. No. 17326 of 1982. In case the petitioner fails to pay this amount within the stipulated period of two months the Ext. P 7 award passed by the 3rd respondent shall remain and this writ petition shall stand dismissed.”

“When the appeal came up for admission today and we ordered notice the 2nd respondent was present and agreed that the appeal itself may be disposed of. Learned Counsel Sri Nayana who was appearing for the 1st respondent before the learned single Judge has also agreed to the disposal. No notice to the 3rd respondent is necessary.

The amount of Rs. 15,000 directed to be paid by the Judgement of the learned single Judge has been paid though not strictly within the time of two months and we have only agreed to the prayer to condone the delay in making the payment within time and not to the challenge on the merits to the order of the learned single Judge. Consequently the payment will be taken as a payment made in time and as a result the Judgement of the learned single Judge will operate to quash Ext. P 7 Award and remand the matter to the Tribunal for fresh disposal in accordance with law. The matter will be posted by the Industrial Tribunal, Madras within one month from the date of receipt of the copy of the judgement which will be sent direct to the Tribunal and will be disposed of at any rate not later than two months from the date of receipt of the copy of this judgement. The 2nd respondent expressed an apprehension that he may not receive notice and that this notice may be issued in the address.

P. V. Sasidharan Pillai, Rasmi Nivas, Pallickal East, Thekkukkara Post Office, East Mavelikkara.

We direct that notice be issued to him by the Industrial Tribunal in that address. The amount of Rs. 15,000 paid by the State Bank of Travancore to the 2nd respondent will be adjusted towards whatever amount is finally found due in the case of the original payment. Since the matter is very old it is necessary to give quietus to this and that is the reason why we have fixed the time limit for disposal by the Industrial Tribunal. The parties will be ready with whatever material they have to be placed before the Industrial Tribunal on the very first day of posting of the matter pursuant to this remand to the Industrial Tribunal."

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Arul Raj shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication in the said Tribunal in the light of above observations and orders of the High Court.

SCHEDULE

'Whether the management of State Bank of Travancore was justified in discharging Shri P. V. Sasidharan Pillai from the services of the Bank with effect from 10-3-1980, and if not, to what relief is the workman entitled ?'

[No. I-12012/174/81-D.II(A)]

प्रादेश

नई दिल्ली, 6 दिसम्बर, 1983

का० आ० 474.—केन्द्रीय सरकार यह गय है कि इसमें उपाध्यक्ष अनुसुची में विनियोग विषय के बारे में स्टेट बैंक आफ पटियाला, क्षेत्रीय कार्यालय, नई दिल्ली के प्रबन्धतंत्र ने संबंधित एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करता बौलीय समझती है;

प्रक: यब केन्द्रीय सरकार, औद्योगिक विवाद नियन्त्रित, 1947 (1947 का 14) की धारा 7का और धारा 10 की उपधारा (1) के खंड (प) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकारण गठित करती है जिसके पीछासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे, जिसका मुख्यालय जयपुर में छांग और उक्त विवाद को उक्त अधिकारण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या स्टेट बैंक आफ पटियाला, नई दिल्ली के प्रबन्धतंत्र को आने वाला यार्डीय जयपुर के संबंध में श्री मयारमण शीला, चपरामी की मेहां, 21-2-1981 में ममान करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुसूची का हकदार है?"

[मं० एन-12012/112/83-डी 2(ए)]

ORDER

New Delhi, the 6th December, 1983

S.O. 474.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of State Bank of Patiala, Regional Office, New Delhi, and their workman in respect of the matter specified in the schedule hereto annexed,

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur, and refers the said dispute for adjudication in the said Tribunal.

THE SCHEDULE

"Whether the action of the management of State Bank of Patiala, New Delhi in relation to their Branch Office, Jaipur in terminating the services of Shri Sayamal Meena, Peon with effect from 21st February 1981, is justified? If not, to what relief is the workman concerned entitled?"

[L. 12012/112/83-D II(A)]

आदेश

नई दिल्ली, 2 दिसम्बर, 1983

का० आ० 475 :—देशभूत सरकार की गय है कि इसमें उपाध्यक्ष अनुसुची में विनियोग विषय के बारे में देना लंबे सूत्रों के प्रबन्धतंत्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों ओर उनके कर्मकारों के बीच विद्यमान है,

और देशभूत सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बाल्यनीय समझती है,

अन केंद्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7का और धारा 10 की उपधारा (1) के खंड (प) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकारण गठित करती है जिसके पीछासीन अधिकारी श्री यशवंत भूषण शर्मा होंगे, जिसका मुख्यालय जयपुर में छांग और उक्त विवाद को उक्त अधिकारण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या सूत्रत स्थित देना वैक क्षेत्रीय प्रबन्धक कार्यालय के प्रबन्धतंत्र की अपने सूत्रत क्षेत्र के संबंध में सात बदली चौकोदारों, जिनके नाम अनुबन्ध में दिए गए हैं और जो वैक को विभिन्न ग्राम्याओं में काम कर रहे हैं, की भेदाओं को नियमित रूप से को वार्षिक ही भार्यांचित है? यदि नहीं तो संबंधित कर्मकार किस अनुसूची के हकदार है?"

अनुसूची

क्र०	नाम	शाखा, जहाँ काम करते हैं
सं०		
1.	श्री आनंद बुद्धवार्ह ईशा	नाना वारना रोड, सूरत
2.	श्री अमृत चिमत्तभाई पटेल	सेलवासा अंडर अमली
3.	श्री शम्भैकांत भिल्लभाई	साहारा गेट, सूरत
	तालवीथा	
4.	श्री ईश्वर भाई एम० रठोद	जलालपुर
5.	श्री मोहनभाई ठाकुरदास रठोद	चौक बाजार, सूरत
6.	श्री परवीन सी० बड़ोदिया	बुलसार
7.	श्री अमृतलाल जी० बड़ोदिया	बुलसार

[मं० एन-12011/35/83-डी-II(ए)]

एन० के० धर्म, डैम्प अधिकारी

ORDER

New Delhi, the 20th December, 1983

S.O. 475.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Dena Bank, Surat and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Dena Bank, Regional Manager Office, Surat in relation to their Surat Region in not regularising the services of seven Badlee Chowkidars named in the Annexure and working in different branches of the Bank since the year 1979 onwards is justified? If not, so what relief are the workmen concerned entitled and from which date?".

ANNEXURE

S. No.	Name	Branch where working
1.	Sh. Anand Budhabhai Isha	Nana Varachha Road Road, Surat.
2.	Sh. Amin Chimanbhai Patel	Silvassa & Amli.
3.	Sh. Shashikant Bhikhubhai Talavia	Sahara Gate, Surat
4.	Sh. Ishvarbhai M. Rathod	Jalalpore
5.	Sh. Mohanbhai Thakordas Rathod	Chowk Bazar, Surat
6.	Sh. Pariyin C. Barodia	Bulsar
7.	Sh. Amratlal G. G. Barodia	Bulsar.

[No. L-12011/35/83-D.II(A)]
N. K. VERMA, Desk Officer

New Delhi, the 24th January, 1984

S.O. 476.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Ahmedabad in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on the 9th January, 1984.

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL AT AHMEDABAD

Reference (ITC) No. 11 of 1980

Adjudication

BETWEEN

The Management of Bank of Baroda, Baroda

AND

Their workmen

In the matter of deduction of wages for full day from the wages of S/Shri V. S. Karode and D. N. Bhadure.

APPEARANCES :

Shri R. B. Pitde—for the management of Bank of Baroda.

None—for the workmen.

AWARD

This industrial dispute between the management of Bank of Baroda and their workmen has been referred for adjudication by the Government of India, Ministry of Labour, vide their Order No. L-12011/8/80-D.II.A dated 10th October, 1980. Originally, the dispute was referred to the Industrial Tribunal consisting of Shri R. C. Israni but it has since been transferred to this Tribunal by appropriate orders of the Government. The dispute relates to the matter specified in the Schedule annexed to the order of reference, viz.:

"Whether the action of the management of the Bank of Baroda, Baroda in deducting full day wages instead of deducting wages for only three hours from 12.30 P.M. to 3.30 P.M. on 8th November, 1979 from the wages of S/Shri S. V. Karode and D. N. Bhadure, Sub-staff is justified? If not, to what relief are the workmen concerned entitled?"

2. Usual notices were issued to the management of Bank of Baroda and to the sponsoring union viz., the Gujarat Pradesh Bank Karmachari Sangh. In response, a statement Ex. 2, has been filed by the Gujarat Pradesh Bank Karmachari Sangh ("the Union" to be brief). It is, inter alia, contended therein that Shri S. V. Karode has never stopped his work on 8th November, 1979; that he was working as a teller and he was on his seat throughout the working hours; that this fact can be verified from the Chief Cashier who is directly supervising his work. It is then contended that Shri Karode made payments to 71 clients out of 91 paymests which shows that Shri Karode had not stopped work; that his direct supervisor had not made any complaint against him for stoppage of work and that therefore Shri Karode is punished because of the grudges against Mr. Karode. In the case of Shri Bahadure, it is stated that the management have never inquired in the presence of any union representative or they have never told Shri Bahadure that he was not present from 12.00 to 3.00 P.M. on 8th November, 1979 or any time and that the management all of a sudden put a notice on the notice board, on 29th November, 1979 that Shri Bahadure remained absent on 8th November, 1979 between 12.00 to 3.00 p.m. without permission and his wages will be deducted from that month's salary. The management of the Bank ("the Bank" to be brief) has filed its written statement at Ex. 3. It is contended therein, inter alia, that Shri Karode stopped work without any reasonable cause between 12.30 and 3.35 P.M. on 8th November, 1979; that he was working as a cashier in its Raopura branch and he refused to disburse cash without reasonable cause and in consequence the customers of the Bank were put to great inconvenience. It is then contended that the failure of the workman to work despite advice amounts to breach of contract of employment and consequently the Bank was justified in not paying his wages for that day. It is then submitted that there was no proper cause for the workman to stop work. The Bank has further contended that the right of an employee for remuneration depends upon the performance of his work during the period of his employment and if there is any failure of that consideration, the employer is entitled to refuse him any payment at all; that the workman stopped work without reasonable cause for 3-1/2 hours which caused great inconvenience to the customers and the Bank's reputation was also affected thereby. It is therefore submitted by the Bank that the action of the Bank in not paying him wages for that day is legal and justified and the workman is not entitled to any relief.

3. So far as Shri D. N. Bahadure is concerned, the Bank has stated that no wages have been deducted from his salary for 8th November, 1979 and consequently the reference pertaining to his is misconceived.

4. In regard to Shri S. V. Karode the Bank has denied that the workman concerned was asked by the Chief Cashier to help him and that Shri Karode helped him over and above his own work and that he made payments to 71 out of 91 clients. The Bank has also denied that the workman concerned was punished with some mala fide intentions. The Bank has also denied that the supervisor had not made any complaint against Shri Karode.

5. In support of its contention that great inconvenience was caused to the clients on that day, the Bank has produced a Xerox copy of a letter dated 8th November, 1979 addressed to the Regional Manager of the Bank by several

customers complaining against stoppage of service to the clients on that day and urging for drastic action against those workmen who were responsible for the same.

6. It appears that although notices were issued to the Union informing it of the next dates of hearing (some of which were sent by Regd. A.D. Post), the Union has not cared to remain present. It has only sent its statement, Ex. 2, in response to the first notice dated 17th November, 1980. At least three Regd. Ask. slips duly signed by the Union are seen on the record meaning thereby that the relevant notices have been duly served on it. Inspite of all these, the Union has not cared to appear before the Tribunal and substantiate its case, nor has it sent any communication whatsoever explaining the reasons for its absence. On the last date of hearing, the Bank has filed an affidavit from its Sectional Head—Staff & Personnel—stating on oath that the facts stated in the written statement of the Bank, Ex. 3, are true and correct. However, on that date also, there was nobody present on behalf of the Union.

7. I have gone through the material on record from which it is difficult to uphold the case of the Union that the action of the Bank to deduct the wages for one day from the salary of Shri S. V. Karode was illegal or unjustified. So far as Shri D. N. Bahadure is concerned, the Bank has categorically stated that no deductions at all were made from his salary for 8th November, 1979. Therefore, nothing remains to be done so far as Shri Bahadure is concerned particularly as the Union has failed to show with reference to any documents that deduction was in fact made from his salary for one day's wages (for 8th November, 1979). Under the circumstances, both the workmen concerned are not entitled to any relief. No order as to costs.

Ahmedabad,

Dated 21st December, 1983.

G. S. BAROT, Presiding Officer
[No. L-12011/8/80-D.II(A)]

New Delhi, the 24th January, 1984

S.O. 477.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 22 of 1981

In the matter of disputes between :

Shri Mohan Singh, C/o Shri Shiv Shanker Lal Shukla,
35-158, Bengali Mohal, Kanpur.

Versus

Punjab National Bank, Naya Ganj, Kanpur.

PRESENT

Shri K. K. Gupta—for the Management.
'The workman in person.'

AWARD

The Central Government, Ministry of Labour vide Order No. L-12012/217/79-D.II.A. dated 16th February 1981 made the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Punjab National Bank, Kanpur in terminating the services of Shri Mohan Singh, temporary clerk at Nayaganj

1345 GI/83--10

Branch, Kanpur with effect from 21st November, 1972 is justified? If not, to what relief is the workman concerned entitled to?"

2. The dispute has been amicably settled between the parties and the Management of Punjab National Bank, without prejudice to its objections, agreed to appoint Shri Mohan Singh as a confirmed-hand in Clerical Cadre of the Bank on basic pay of Rs. 365 in the scale of Rs. 325-20-1040, at a point of need in Kanpur Region, without any benefit of his past service and without giving him anything for the intervening period between the date of termination and re-appointment. Shri Mohan Singh will be deemed to have been appointed as a confirmed hand in the service of the Bank from the date of his joining the posting in Kanpur Region. The workman accepted these terms and requests that a 'No Dispute Award' may be made, because the parties have voluntarily resolved their dispute. Accordingly, a 'No Dispute Award' is made in terms of the settlement between the parties reached on 26th December, 1983.

Further ordered that the requisite number of copies of the award be sent to the Ministry of Labour Central Government for necessary action at their end.

December 27, 1983.

O. P. SINGLA, Presiding Officer
[No. L-12012/217/79-D.II(A)]

S.O. 478.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on the 10th January, 1984.

BEFORE SHRI O. P. SINGLA : PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
NEW DELHI

I.D. No. 196 of 1983

In the matter of dispute between :

Shri Shiv Singh, 20 Patel Road, Dehradun.
AND

Punjab & Sind Bank, Rajpur Road, Dehradun.

PRESENT :

Shri Jagat Arora—for the Management.
None—for the workman.

AWARD

The Central Government, Ministry of Labour, vide Order No. L-12012/156/82-D.II.A., dated 30th May, 1983, made the reference of the following dispute to this Tribunal for adjudication.—

"Whether the action of the management of Punjab & Sind Bank Dehradun in terminating the services of Shri Shiv Singh, Sub-staff is justified? If not, to what relief is the workman concerned entitled?"

2. Notices were issued to the parties. None appeared for the workman. Shri Jagat Arora entered appearance for the Management. The workman has been proceeded against ex parte. The Management showed through an affidavit of Shri Madan Lal Bhardwaj, Chief Manager at Zonal Office (Central) that Mr. Shiv Singh worked with the Management for 145 days during the period from January to September, 1977 and for 96 days from January to July 12, 1978. During the last 12 months preceding 12th July, 1978, i.e., from 13th July, 1977 to 12th July, 1978, he worked only for 147 days in the manner that he worked for 9 days in July, 1977, i.e., from 13th July to 21st July, 1977, 12 days in August and 20 days in September, 1977. During January, 1978 to July, 1978, he worked for 22 days in January 1978 for 17 days in March, 1978, 21 days in April, 14 days in May, 1978, 20 days in June, 1978 and 3 days in July,

1978. The factual position thus appears that he worked for 147 days during the 12 months preceding 12th July, 1978. He cannot, therefore, swim into the harbour of Section 25-F of the Industrial Disputes Act, 1947 and is not entitled to any relief and the action of the Management in terminating the services of the workman appears to be justified.

3. The award is made in the terms aforesaid.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

December 27, 1983.

O. P. SINGLA, Presiding Officer.
[No. L-12012/156/82-D.II(A)]

New Delhi, the 31st January, 1984

S.O. 479.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Management of Bank of India and their workmen, which was received by the Central Government on the 19-1-84.

BEFORE SHRI J. P. VASISHTHA, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D. 126 of 1981 (N. Delhi), 111 of 1983 CHD
PARTIES :

Employers in relation to the Management of Bank of
India, Jullundur, Punjab;

AND

Their Workman—Shri K. S. Thakur

APPEARANCES :

For the Employers—Shri Mangal Singh.

For the Workman—Shri K. S. Thakur, the Workman
in person.

INDUSTRY : Banking

STATE : Punjab

AWARD

Dated, the 16th January, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, herein after referred to as the Act, vide their Order No. L-12012/11/81-D.II(A) dated the 26th of August, 1981, read with S.O. No. S-1025 (2)/83 dated the 8th of June, 1983 referred the following industrial dispute to this Tribunal for adjudication :—

"Keeping in view the strength of clerks in different branches of Bank of India in the District of Jullundur as on 31-12-79, whether the action of the management of the said Bank is not promoting Shri K. S. Thakur, Head Cashier as Special Assistant is justified? If not, to what relief is the workman concerned entitled to?"

2. Brief facts of the case, according to the petitioner/Workman are that he was posted as Head Cashier on the clerical cadre at Mai Hiran Gate branch of the respondent Bank in Jullundur City Zone. According to him, there was a Bilateral Agreement dated 31-8-1977 between the parties obliging the respondent Bank to promote one seniormost clerk out of twelve clerks, as per seniority list, to the post of Special Assistant; that he was fixed at Serial No 10 in the relevant seniority list and there was a sanctioned strength of 121 clerks working in the aforesaid Zone on 31-12-1979, whereas the Management had only 9 persons working as Special Assistants. It was averred that the failure of the Management to fill up the promotion post of the 10th Special Assistant resulted in monthly loss of Rs. 283 by way of allowances to the petitioner Workman and, therefore, he

raised an industrial dispute which could not be settled amicably inspite of the intervention of the A.L.C. (C), in the Conciliation proceedings, hence, the reference.

3. Resisting the petitioner's claim, the management questioned the validity of the reference on the plea that it was moved by an unauthorised person. However, one dispute was raised on any point of fact except that his entitlement to promotion was challenged on the plea that the clerical strength in the Jullundur Zone, as on 31-12-1979, was only 118 and not 121 propagated by him. According to the management, the difference of 3 incumbents was on account of stark confusion in the mind of the petitioner regarding the status of the Adhoc employees, because one clerk at Mai Hiran Gate Branch and two clerks at the main Jullundur City Branch were working on purely Adhoc basis and thus, could not be including in the relevant sanctioned strength for the purpose of effecting the promotion of Special Assistants.

4. By way of an additional plea the management contended that the reference has since become infructuous because with the availability of a vacancy, the petitioner had been promoted as Special Assistant w.e.f. 20-12-82 and posted at the Jullundur Industrial Area Branch.

5. In the light of their pleadings, the parties were taken to trial on the following issues framed over and above the terms of reference :—

(i) Whether the reference is legally infirm and incompetent as alleged ? O.P.R.

(ii) Whether the reference has since become infructuous as alleged ? O.P.R.

6. In support of his case, the petitioner appeared as a witness and filed a number of documents, whereas the Bank management examined their Industrial Relations Officer and also submitted a number of documents. Actually there was no contest about the authenticity of the documents filed by both the parties. Similarly it was also admitted that the Workman/petitioner had since been promoted as Special Assistant w.e.f. 20-12-1982 and thus, even though the reference had become redundant thenceforth, yet it required adjudication as whether the petitioner was entitled to such promotion for the intervening period also.

7. In all fairness to him, Shri Mangal Singh the Lt. Representative of the Bank management conceded that since the Desk Officer had performed only a ministerial act. Under the Rules of business, for making the reference, on behalf of the Labour Secretary to the Government of India, therefore, there was no inherent defect in the reference. To be precise, neither of the additional issue was pressed on behalf of the management and, as such, on answering the same against them I proceed to deal with the crucial issue contained in the terms of reference.

8. As a matter of fact, the management did not controvert the petitioner's stand that 12 persons were working as clerks at the relevant time in the Jullundur City Zone and that one out of twelve clerks required to be promoted to the post of Special Assistant in view of the Memorandum of Settlement dated 31-8-1977. But their contention was that three out of the aforesaid 121 clerks, were working on Adhoc basis and as such, they could not be included in the regular strength to warrant the promotion of the 10th Special Assistant. Their version appears to be substantiated by the letters Exbs. R-4 and R-5. Perusal of these documents would show that the local management had requested the Regional Authorities for the sanction of some additional hands to meet the increased work load and that, it was in view thereof, that, one clerk-cashier for Mai Hiran Gate and two clerks for the main Jullundur Branch were sanctioned on purely Adhoc basis on 26-5-1978 and 3rd April 1979 respectively. There is absolutely nothing to reveal the conversion of these Adhoc vacancies into regular posts. It thus shows that actually the regular working strength as on 31-12-1979 in the Jullundur City Zone was only 118 even though three extra hands were working on Adhoc basis.

9. On behalf of the workman much stress was laid on the document Exh. W-5 containing clauses 20.7 and 20.8 of the Bipartite Settlement between the parties. However, a scrutiny of these provisions would indicate that they primarily deal with the employment of temporary hands who

may be appointed for a limited period or to after the work of permanent employees in their absence; and that such temporary arrangement could not exceed three months, during which period the Bank management was obliged to make arrangements for filling up the vacancy permanently. Of course if such an incumbent was eventually selected for filling up the vacancy, the period of his temporary service was to be taken into account as part of his probation period. But the incident of his temporary employment did not "per-se" ensure his selection. In other words, it may be said that these provisions deal with the recruitment and absorption of temporary hands into regular and permanent posts; but they neither define the position nor provide for the protection of the Adhoc employees.

10. For the better appreciation of the point in issue it may be in the fitness of things to go into the relevant Part No. III of the Memorandum of Settlement dated 31-8-1977, a printed copy of which has been filed by the management. Its clause 8(b) elaborates the eligibility of the clerks for assignment of duties of Special Assistants. According to it such a candidate should be in the full time and permanent service in the clerical cadre of the Bank, with minimum service of 3 years. Sub-clause (c) then deals with the manner of selections. On reading both these clauses together, one cannot resist the inference that such promotion to the post of Special Assistant is limited only to the permanent cadre staff and an Adhoc employee cannot be considered for the job, irrespective of his qualifications including the length of service. As a necessary corollary it follows that his existence could not be taken into consideration even for the purpose of tabulation of such promotion posts.

11. Otherwise too, in my considered opinion, the position and status of an Adhoc employee cannot be equated with a permanent; quasi-permanent or even a temporary hand working against a regular post, because the incident of Adhoc employment is only to the subjective satisfaction and requirement of the employer which can be brought to an end at any time at his discretion.

12. I, therefore, sustain the management's view point that since during the relevant period from 31-12-1979 upto 19-12-1982 they did not have a sanctioned strength of 120 or more clerks, therefore, the petitioner was not entitled for promotion as Special Assistant. As a natural consequence thereof, I return my award against the Workman. Chandigarh.

Dated : 16-1-1984.

I. P. VASISHTHA, Presiding Officer
[No. L-12012/11/81-D.II(A)]

S.O. 480.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 12-1-84.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 16 of 1981

BETWEEN

The Workmen of State Bank of India, Kakinada Branch;

AND

The Management of State Bank of India, Hyderabad.

APPEARANCES :

Sarvashri K. V. Narasimham, D. S. R. Verma, Advocates
P. J. Seetharaman, Hon., President, State Bank Employees' Union, Vijayawada—for the workmen.

Sarvashri K. Srinivasa Murthy, K. Satyanarayana Rao and Miss G. Sudha, Advocate—for the Management.

AWARD

"Whether the action of the Regional Manager, Region V, State Bank of India, Hyderabad in terminating the employment of Shri P. Ramakrishna, Clerk, Kakinada Branch vide letter dated 11-1-79 is justified? If not to what relief is the workman concerned entitled?" Is the issue referred to this Tribunal for adjudication under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India by its Letter No. L-12012/253/80-D.II.A., dated 1-8-81.

2. The Joint Secretary of the State Bank of India Staff Union, Andhra Pradesh, Vijayawada that has espoused the cause of this workman, has filed a claims statement urging that the removal of this employee Sri P. Ramakrishna is unjustified and therefore his reinstatement with retrospective effect with full back wages and other consequential benefits should be awarded.

3. A counter styled as reply statement is filed by the Management contending that after holding domestic enquiry properly into the charges levelled against this employee, the order of discharge was passed for proved misconduct as the proper one and that the orders of the Management in terminating the services of this employee cannot therefore be interfered with (the details of these pleadings are omitted for the present).

4. The Workman endorsed on the petition filed by the Management conceding the validity of the domestic enquiry and my learned predecessor accordingly dismissed that petition as unnecessary and the matter was thereafter docketed for enquiry.

5. Exs. P-1 to P16 and R1 to R21 are got marked by consent by the parties and no other oral evidence is adduced. After the counsel for the workman concluded his arguments, the Management filed written arguments and thereafter the workman filed reply arguments in writing reiterating and referring to his earlier arguments also.

6. Now to have a proper understanding of the contentions advanced by the parties, a reference to facts and events which are not in dispute may be made.

7. Sri P. Ramakrishna, the Clerk concerned in this dispute has joined the State Bank of India in 1966 at Visakhapatnam. He was subsequently transferred to Kakinada Branch where he continued to work till he was removed from service. At Kakinada Branch he was the Local Secretary of the All India Bank Employees Association. During the month of March, 1972 (the Union's contention is that some time prior to March 1972 also) an agitation on the part of the Award Staff employees was going on. On 30-3-1972 this employee who was the Local Secretary of the Union was alleged to have committed certain acts on the Bank's premises at about 12.45 P.M. For that he was suspended on 3-4-72 and subsequently there was a charge sheet dated 12-5-1972 issued to the employee. After receiving his explanation Ex. P2 wherein he mentioned that it was a deliberate attempt on the part of the management to victimise him for his union activities and the allegations against him were false and frivolous and foisted, an Enquiry Officer was appointed as per Ex. P3 order. During that domestic enquiry, four witnesses were examined by the Presiding Officer to establish the charges and they are Sarvashri D. N. Appa Rao, C. V. Prithvi Raj, K. V. V. Subramanya Rao and G. Gopal Raj and equal number of witnesses namely B. Anjaneyulu, P. Ramakrishna (the charged employee) R. Sambasiva Rao, and P. Appa Rao are examined in defence. The four M.Ws. are the Officers in the Bank and M.W.4 C. Gopal Raj is the Agent of that Branch. Of the four defence witnesses, D.Ws. 1 and 3 are Cashiers of that Branch while D.W.4 is a Messenger who claims to be present in the Bank at the time of the incident. I shall presently refer to the charges against this employee, but to resume the narration it may be stated that the Enquiry Officer discharged the evidence of M.W.3 on the ground that he was not a witness to the incident but was examined to speak to some letter written by him on the next day pursuant to the meeting of the Supervisory Staff (S.C. Officers) held at this Branch on 30-3-1972, and expunged his testimony. Then after considering the evidence and placing reliance on the evidence of other M.Ws. the Enquiry Officer held that the charges were proved beyond all reasonable doubt (vide his report Ex. P8 dated 17-5-1978). The disciplinary authority thereafter in Ex. P16 proceedings conveyed

his tentative decision of discharge. After considering the lengthy representation Ex. R18 of the Employee to that the final order dated 11-1-1979 discharging the employee from the Bank service without notice was passed. Then there was an appeal Ex. R20 to the General Manager, the Appellate Authority. The Appellate Authority by its Order dt. 18-2-80 in Ex. R21 confirmed the punishment imposed by the disciplinary authority and dismissed the appeal. These facts and events are not in dispute.

8. The inordinate delay in bringing this matter to a termination is glaring. An employee who was charge sheeted on 12-5-1972 came to be removed by the disciplinary authority on 11-1-1979 i.e. nearly seven years after the incident. An argument sought to be raised by the workman is that this delay itself is the result of the intention of the Management to harass and victimise him. Though this extraordinary delay is reprehensible, it would appear that the entire delay is not on the part of the Management itself though the management contributed profusely for that. The workman concerned did not submit his explanation till 15-12-1973 till he was issued two reminders. Thereafter Sri R. Ganesh was appointed as Enquiry Officer in the last week of February 1974. The enquiry commenced and was conducted on 16-5-1975 and 17-5-1975 and the proceedings were adjourned thereafter to consider the objection raised by the counsel for defence. Meanwhile Sri Ganeshan, the Enquiry Officer came to be appointed as Regional Manager and disciplinary authority and as such another Sri B. V. Sharma, as per the reply statement, was appointed as an Enquiry Officer and it was said that before he could take up that enquiry he suffered loss of eye-sight and went on leave and thereafter the present Enquiry Officer Sri Mukundan Nambiar was appointed in the place of B. V. Sharma. The enquiry was resumed on 12-8-76 and on the representation of the defence that it intended to move the higher authorities, the matter was adjourned and the enquiry was resumed from 6-1-1977 and was continued and after one or two brief adjournments it was completed by 31-8-1977. The parties took their own time to file their written arguments before the Enquiry Officer and the written arguments of the defence came to be filed by 11-3-1978. The report of the Enquiry Officer was dated 17-5-1978 and the disciplinary authority took about five months thereafter and issued the second show cause notice dated 10-10-1978. The written submissions to the second show cause notice are dated 26-10-1978 and a request for personal hearing was made therein and from the order of the disciplinary authority it would appear that the personal hearing took place on 20-11-1978 and then the discharge order was passed on 11-1-1979. While the appeal by the employee against his removal was in the last week of February 1979, the appellate authority after three reminders took about a year to intimate him that the appeal was dismissed. Ex. R21 dated 18-2-1980 is that order. Thus, it would appear that there was avoidable delay in this case but somehow the matter dragged on for nearly seven years. The delay before this Tribunal also in disposing of this matter is not inconspicuous. The matter had to be adjourned from time to time either because the Presiding Officer was not posted or powers were conferred on him or because the parties were reporting not ready. From the docket sheet we find that arguments were heard in this case on 17-12-1982 and award was reserved. But on 28-2-1983 it came to be reopened suomoto for further arguments. Then it took some more time for the succeeding officer to be posted and powers conferred on him and after some adjournments thereafter to accommodate the parties, the arguments came to be completed before me. Thus there appears to be some delay in disposal of this matter in this Tribunal also though the reasons may be different. Thus the matter came to be pending for number of years and though each party was contributing his share to this delay, considerable portion of the delay was on the part of the Management. But because of this delay, the contention of the workman that there was prejudice or that this delay was pursuant to some scheme of management to harass him cannot be considered as a valid one. The delay might have caused suffering to the workmen but on that ground it cannot be said that the enquiry and the proceedings get vitiated.

9. Before referring to the contentions advanced by the before me, it is necessary at this stage to extract the charges levelled against this employee Shri P. Ramakrishna.

"Staff/Con. No. 1042

May 12, 1972.

Yyak. 22, 1894 (SAKA)

Please show cause why disciplinary action should not be taken against you for the following circumstances appearing against you :

At about 12.45 P.M. on the 30th March 1972 when Shri D. N. Appa Rao, Officer Grade II was passing instruments for payment, you were alleged to have gone to him and told him that he should not pass instruments for payment and snatched away from him three instruments passed for payment and demanded cancellation of the pass orders. When this was objected to by the official, you were alleged to have told him at the top of your voice that you were ordering him in the capacity of the local Secretary to stop passing instruments for payment. When the Agent intervened, you were alleged to have questioned him as to who he was and stated that the Agent had no authority to question you particularly when you were demanding from the Officer concerned that he should stop work. You were further alleged to have questioned the Agent's authority in having issued an Office Order informing the employees that they can make individual representations, if any, regarding the wage-cut imposed and stated that you alone were competent to represent the cases of the members of the staff. Your behaviour on the 30th March on the premises of the Bank, thus appears not only as disorderly and unruly but as an act calculated to underline the authority of your superiors in the eyes of the staff and the public which lightly prejudicial to the interest of the Bank.

2. You are hereby required to submit your explanation in writing, to the above charge within Seven Days from the date of receipt of this letter failing which it would be construed that you have no explanation to offer."

10. The Disciplinary Authority in Ex. P16 proceedings, accepting the finding of the Enquiry Officer, held that the behaviour of this employee was an act of gross misconduct in terms of paragraph 521(4)(c), (e) and (j) of Sastry Award. Paragraph S21(4) in its various clauses mention what acts or omissions constitute gross misconducts, Clause (c) is drunkenness or riotous or disorderly or indecent behaviour on the premises of the bank. Clause (e) is wilful insubordination or disobedience of any lawful and reasonable order of the management or of a superior Clause (j) is doing any act prejudicial to the interest of the bank, or gross negligence or negligence involving or likely to involve the bank in serious loss. In the concluding para of Ex. P16, the Disciplinary Authority expressed "Sri Rama Krishna by his acts of misconduct has proved that he is highly irresponsible undependable and volatile. By his behaviour on the 30th March 1972 on the premises of the Bank, he had undermined the authority of his superiors. He has thus lowered the image of the Bank in the eyes of the public. In the circumstances, Shri Ramakrishna can hardly expect to be retained in the service of the Bank. However, considering his young age and with a view not to jeopardise his chances of employment elsewhere, I am inclined to take a lenient view in the matter and tentatively propose to have his misconduct condoned and merely discharge him from the Bank service without notice as provided for in paragraph 521(5) (c) of the Sastry Award read with paragraph 521(10)(c) ibid. This would meet the ends of natural justice, equity and fair play. A perusal of the record of his past service does not disclose any circumstances warranting the imposition of any lesser form of punishment. I also decide that there is no case for treating any part of the period spent by him under suspension as on duty and accordingly, he will not be eligible for payment of any salary and allowance for that period apart from what he had already been paid/to be paid by way of subsistence allowance."

11. The contentions raised on behalf of the workman are that the witnesses examined for prosecution were biased, that the findings of the Enquiry Officer are not based on legal evidence and they are perverse and the Disciplinary Authority mechanically adopted them and therefore it cannot be said that the charges are proved. It is also contended that the action of the disciplinary authority is the result of predetermined conclusion to somehow dismiss this employee for his Trade Union activities and it is therefore not fair and cannot be sustained. It is also contended that it would not

make any difference for the employee whether the Order is styled as discharge or dismissal and virtually it is dismissal, that this was by way of victimisation for the Union activities of this employee. It is pointed out in this connection that during agitation period there were incidents at Vijayawada Branch and also at Hyderabad Central Office Branch which were more violent but yet the actions of those employees were condoned because they belong to the rival Union of the Employees which is favoured by the Management while Ramakrishna belongs to another union and though the incident alleged against him even if found to be true is nothing when compared to the other two incidents, yet the highest penalty of removal was imposed and it itself suggests victimisation. It is lastly contended that in any even penalty imposed is disproportionate and shocking and unconscionable and under Section 11-A of the I.D. Act awarding of lesser punishment should be considered. The contentions advanced on behalf of the Management are in support of the action taken by it and refuting the submissions of the workman. The parties cited several decisions in support of their respective contentions but they are all for the well established propositions of law which do not require any authorities now.

12. The issue referred to this Tribunal being whether the action of the Management in terminating the employment of this employee is justified, the above referred contentions of the workman have to be considered as points that arise for consideration in this matter

13. The contention of the employee that the prosecution witnesses were biased cannot be said to be unreasonable. The learned counsel for the employee took me through some of the portions of the evidence of the witnesses for this purpose. The first witness for prosecution was Sri Appa Rao with whom this employee was said to have behaved in a riotous and disorderly manner. He stated in the first instance that this employee Sri Ramakrishna was very cooperative and helpful in the past and getting things done by him but when they were on agitation he burst out and uttered some words and provoked him and he did not remember those words or the exchanged heated words between him and this employee. He added that the Manager Sri Gopal Raju came near and asked this employee not to interfere with the Officer (witness) concerned and if there was any grievance he (employee) should have gone to him and told him and then the matter ended and he does not know anything further. Thereafter the defence counsel was asked to cross examine the witness and he stated in cross examination that there was nothing personal between him and this employee. Then at the end of cross examination the prosecuting officer wanted to re-examine the witness. After the defence counsel raised objection to that and at that stage the prosecuting officer declared that he was treating this witness as hostile. In that re-examination held at the next sitting this witness Appa Rao stated several things which he did not mention in the first instance. Then the defence counsel cross examined this witness again, subject to the objection raised by him. The tone and tenor of this witness in this letter examination by the Prosecuting Officer and the defence counsel was patently different from his tone in the first instance. As the learned Advocate for the Employee argues this attitude may indicate that this witness at the later stage was to some extent biased against this employee. At page 16 of the photostat copy of the proceedings of enquiry, this witness claims that he might be wrong in giving answers in the first instance in January, 1975 but when he was giving his answers in 1977 at the next sitting of the enquiry, he was thinking what exactly happened at that time and he recapitulated the entire sequence of happening and he could very well remember the things that happened. This may savour some bias on his part as suggested by the counsel for the employee. The next witness is Prithviraj another Supervising Staff (Officer) whose evidence would also indicate that he was sore against this employee as this employee uttered something against him personally. Ex. P12 letter dated 29-7-1972 sent by him to the Agent regarding the alleged incident wherein he made reference to several unconnected aspects and also to some incidents that took place when he was not working in this Branch and also his answer at page 30 of the photostat copy of the proceedings wherein he mentioned that this employee was frequently in the habit of disputing the normal duties of the officers are also cited as indications

of bias on his part. The evidence of third witness was discarded by the Enquiry Officer as already stated and the last witness for prosecution was Sri Gopal Raju, the Manager of the Bank. As far as this Branch Manager is concerned it is argued that this Officer having got this employee suspended even before the charge sheet was issued and having asked this employee in Ex. R2 letter that he should be reporting daily at the Branch and he could be allowed thereafter to leave the office at the discretion of the Agent and he should therefore report at the Branch in usual manner and sign the Attendance Register marking the timing of arrival and departure, has sent another letter Ex. R3 dated 22-4-1972 to this employee in a tone indicating prejudice on his part. In Ex. R3 letter it was conveyed by this Agent Gopal Raju that this employee was frequently visiting this Branch and that was considered highly irregular and un-becoming of an employee against whom stern disciplinary action was taken. In para 3 of that letter it was conveyed that the behaviour and the continued presence of this employee in the Branch was viewed as detrimental to the smooth functioning of the Branch and he was warned that if he continued to persist in disrupting the Branch work stern disciplinary action would be taken against him. The learned counsel for the employee contends that this attitude of the Agent Sri Gopal Raju against this employee was the result of his animosity against him.

14. The attitude of the prosecuting witnesses as referred above may indicate that they did not take lightly the behaviour of this employee on 30-3-1972 on the Banks premises. If they indicated in their evidence that they were biased against this employee that might be due to their righteous indignation also if they felt that this employee did not behave properly or decently at the time of incident. The Enquiry Officer was to ascertain the facts from the evidence of the witness examined before him. If the witnesses were biased, their evidence might have to be scrutinised more carefully but on the ground that the witnesses exhibited bias, it cannot be said that their evidence regarding the incident should be totally rejected. The domestic enquiry was already conceded to be fair and proper. What has to be seen now is whether there was some evidence or not in support of the findings of the Enquiry Officer. If the findings are without any evidence whatsoever or if they are perverse and not based on any evidence, then they may be interfered with but not otherwise. Even if the witness are biased, on that ground their evidence cannot be discarded.

15. The next submission of the employee is that the findings of the Enquiry Officer are not based on any legal evidence or that they are perverse or that the disciplinary authority without application of mind adopted them mechanically and they cannot therefore be sustained. In domestic enquiry the enquiry is held following the principles of natural justice and strict rules of Evidence Act are not observed. In the charge it was alleged that this employee had gone to Sri D. N. Appa Rao at 12.45 P.M. and told him that he should not pass instruments for payment and snatched away three instruments passed for payment and demanded cancellation of the passed order. Sri D. N. Appa Rao in his evidence in the first instance did not state at page 3 of the photostat copies of the proceedings that this employee snatched any instruments from his hand. He stated that this employee asked to not pass any cheques or instruments after 12.45 P.M. as they were on agitation and meanwhile he passed payment orders for some temporary staff and sent them to Cash Department and this employee brought those payment orders to him and asked him to cancel them as otherwise there would be some delay in paying the cash by the Cashier and for that he refused. It is only in his further evidence after two years thereafter he stated that this employee had also snatched some instruments from his hand. The next witness Prithviraj who was admittedly near the scene stated that this employee snatched some papers from Sri D.N. Appa Rao. The Branch Manager Gopal Raju was not a witness to that incident but when he gave evidence as to what he learnt on enquiry, he did not refer to the snatching of the instruments from Sri D. N. Appa Rao, though he stated that he learned that this employee ordered Sri Appa Rao to cancel some instruments which were passed for payment, telling him that he had no business to pass the instruments when the staff was going on agitation from

1.00 P.M. and that Appa Rao and other Supervisory staff were deliberately sabotaging the Award Staff agitation. Any way there was some evidence before the Enquiry Officer to show that this employee snatched away the instruments from the hands of Sri D. N. Appa Rao. That he demanded the cancellation or passed orders is spoken to by all the witnesses. His violent behaviour in shouting at this Officer D. N. Appa Rao asking him not to pass the instruments or to cancel the pass orders and that he was telling him like that in his capacity as Local Secretary, is spoken to by the witnesses. This employee in his evidence as D.W. 2 stated that there was a strike call or agitation between 1.00 P.M. and 2.00 P.M. on that day and he informed the Branch Agent and other Officers before hand so that they could regulate all passing of instruments for payment. He states that at 12.45 P.M. he was called by the Cashier Anjaneyulu (D.W.1) and he went to him and Anjaneyulu showed him a bunch of vouchers and said that he received them at 12.45 P.M. contrary to the understanding and asked him to speak to the concerned officials and then he asked the Cashier to pay all the vouchers telling him that he would speak to the officer and then went to the concerned officer Sri D. N. Appa Rao and told him that vouchers were received contrary to the understanding explaining him that the delay in sending the vouchers would inconvenience the public and atleast from next day onwards he should honour the understanding learned counsel for the Employee submits that the understanding was that the passing of instruments should be stopped by 12.45 P.M. so that the instruments passed till then could be paid away by 1.00 P.M. so that the staff thereafter could participate in the agitation or strike between 1.00 and 2.00 p.m.) and he could also refer the matter to the Bank Agent or Accountant if he had any difficulty but Appa Rao said that he would pass instruments when he need and this employee need not tell him and again he pleaded to refer the matter to the Bank Agent and to that this Officer D.N. Appa Rao replied that he need not refer that matter to the Manager or Accountant and he would do whatever he liked and then this employee said to him not to get annoyed and refer the matter to the Branch Manager and then the Branch Agent Gopal Raju entered the hall at that stage and he explained the difficulty to G. Raju that vouchers were received contrary to the understanding that was being honoured earlier. He further stated that he told the Agent that on the previous day they reached on understanding for payment of salaries to the Staff members but that was also broken and notice was put up in the Notice Board asking the Staff Members to represent personally for the wages and that was also contrary to the understanding and Gopal Raju told him that whatever he wanted to represent could be represented to him and he should not speak to the Officers and Prithviraj the other Accountant Officer came near them and said to the Branch Manager not to talk to this employee and by then it was 1.00 P.M. and he went out to participate in the demonstration. Thus according to the evidence of this employee the acts complained of against him in the charge sheet were not committed and everything was very smooth and peaceful and he mildly made representations to Appa Rao and to the Agent.

16. That some incident and altercation took place at 12.45 P.M. in the Bank premises on 30-3-1972 leading to the suspension of this Employee cannot be doubted. If it was such a mild one as tried to be stated by the employee in his evidence, no such action normally would be taken. What was that incident and whether it was in the manner alleged in the charge sheet or whether it was as explained by this Employee in his evidence was the issue for consideration before the Enquiry Officer. The Bank working hours for passing cheques etc. was upto 2 P.M. and the Officers who were not on strike had to discharge their duties till 2 P.M. They cannot be compelled to suspend their work from 12.45 P.M. On a consideration of the evidence placed before him, the Enquiry Officer found that the allegation in the charge sheet were proved. On a re-appraisal of the evidence, this Tribunal or some other Authority may come to a different conclusion but the Tribunal cannot re-assess the evidence and substitute its conclusion. What has to be seen is whether there was legal evidence or not in support of the findings of the Enquiry Officer. As mentioned, if it is a

case of no evidence at all or if the findings are perverse then the tribunal may interfere but in this case there was some evidence before the Enquiry Officer in support of the charges and he believed that evidence against the charged employee and held that the charges were proved. His findings cannot be said to be without any evidence nor perverse. It cannot also be said that the Disciplinary Authority without applying his mind and in a mechanical way adopted the findings of the Enquiry Officer. Ex. P16 is a lengthy proceedings of the Disciplinary Authority referring to various pleas and contentions taken by this employee against the domestic enquiry and the findings of the Enquiry Officer. These lengthy proceedings would show that the Disciplinary Authority after considering all relevant aspects and pleas of this employee, accepted the findings of the Enquiry Officer.

17. As it has been found that the domestic enquiry was properly conducted and there is evidence in support of the findings of the Enquiry Officer and the Disciplinary Authority on a consideration accepted these findings, it has to be considered now whether this extreme penalty of dismissal was by way of victimisation or whether it should be substituted by a lesser punishment as urged by the Counsel for the employee. All other arguments advanced by the learned counsel for the Employee are on this aspect.

18. Though the disciplinary authority in Ex. R17 second show cause notice (based on Ex. P16 proceedings) and in the final dismissal order Ex. R19 used the term "discharged without notice" it would not make any difference as far as the employee is concerned as rightly argued by the learned counsel for the employee. It was virtually dismissed from service. After spending so many years in the service of the Bank if this employee was so removed from service in 1979, the Management would be knowing that he would be age barred to apply for any other post or service and virtually he would not be entitled or eligible to any service in Government or in any public undertakings. As per Para 521(v) of Shastry Award an employee found guilty of gross misconduct may be dismissed without notice or warned or censured or have an adverse remarks entered against him or be fined or have his increment stopped or have his misconduct condoned and be discharged. The discharge also would result in removal of the employee from service of the Bank though it may not be a dismissal which carry a heavier stigma with it. In this case some how the Management adopted this extreme penalty of discharge from service throwing away the employee into the streets. The learned counsel for the Employee contends that was done by way of victimisation for his Union activities and as Management was bent upon removing him from service. It is contended that during that agitation period, incidents occurred in Vijayawada Branch and also in Hyderabad Central Bank and they were more violent and serious but yet they were ignored because the persons concerned with those incidents were members of the rival union of the staff which union is favoured by the Management, but this extreme penalty is imposed on this Employee because he belonged to another union. It is stated that several letters on record that emanated from the Officers or from the Management would indicate that they were sore against this Employee before the penal action was taken against him. The Agent, it is pointed out, mentioned in one of his letters (Ex. R3) that already stern disciplinary action was taken against him. Through the evidence of P.W. 3 Subramanyarao and other witnesses it is suggested that the Officers of the Bank convened a meeting and passed resolution that evening condemning the behaviour of this Employee and that was forwarded to the Head Office. The learned counsel for the Employee argues that because this Employee was an active member of the Union, the Management was determined to somehow punish him and with that pre-determined conclusion this final discharge order was passed by way of victimisation. It is also contended that obviously there was nothing against this Employee in his past service and the Disciplinary Authority refused to look into the past record of service of this Employee and though there were no aggravating circumstances against him, the Management passed this removal order and that would also indicate that it was by way of victimisation. It is also submitted in this connection once again that the Enquiry Officer relied upon the evidence of M.W. 1 in re-examination disregarding his earlier ruling and all this would show that as per a Scheme the extreme penalty was manipulated.

19. On a consideration of the above referred submissions and contentions of the learned counsel for the Employee, I am of the view that the penalty imposed in this case is so out of proportion, shocking and unconscionable as to give rise to a reasonable inference of victimisation on facts and circumstances of this case. As stated above, this incident happened during the agitation period. It was a solitary incident. The past conduct of this Employee was alright and M.W. I himself admitted that this employee was quite alright previously. The alleged misconduct was not repeated. There were no after effects effecting the interests of the Bank. The incident at Vijayawada extracted in Ex. R18 submissions of the Employee to the Management would show that, that Officer Sri Gupta was abused by the persons named therein in a most vulgar language and he was also tied down to the chair and was pressed on his cheeks causing him intolerable pain and he was threatened saying that his end would be seen and they would deal with any one who would go to his rescue like that. There was also a criminal case against those persons though the prosecution was withdrawn later. But still the Management did not issue even a Memo to those employees. The other incident in Hyderabad as found in the Circular of Sri Nambiar was also extracted in this Ex. R18 explanation. It is stated therein that the Award Staff led by Laxminarasayya confined the Secretary and Treasurer and broke the toughened glass sheets and caused damage to window panes and furniture and behaved in a riotous manner. When such incidents were over-looked and ignored or light punishment or no punishment were given, giving such extreme penalty to this Employee, who wanted to see that instruments were not passed after 12.45 P.M. so that the passed instruments could be cleared by 1.00 P.M. and the Cashiers and other staff members could participate in the one hour strike with a view to make their agitation successful, appears to be most disproportionate to the proved misconduct under Para 52(4)(c) and (e) of Shastry Award and on a consideration I am of the view that it indicates that this penalty on the facts and the circumstances of the case was by way of victimisation and was not a fair punishment. This extreme penalty of removal from service styled as "discharge" cannot be allowed to stand.

20. Under Section 11-A of the Industrial Disputes Act, this Tribunal has jurisdiction to go into the quantum of punishment and award lesser punishment if the circumstances of the case so warrant. In a recent decision in Rama Kanth Misra v. State of U.P. (AIR 1982 S.C., page 1552) the Supreme Court has clearly laid down that with the insertion of Section 11-A of the I.D. Act the Tribunal has jurisdiction and power to substitute its measure of punishment in place of the managerial wisdom once it is satisfied that the order of discharge or dismissal was not justified in the facts and circumstances of the case. The Supreme Court in that case substituted the order of dismissal of the workman concerned therein by penalty of stoppage of two increments. On the facts and circumstances of the present case before me and accepting the conclusion of the Disciplinary Authority that this workman was guilty of misconducts under para 52(4)(c) and (e) and also (i) of Shastry Award, I hold that the order of discharge imposed was most unreasonable and out of proportion and also shocking and unconscionable and appears to have been passed by way of victimisation and cannot be allowed to stand. I held this order of discharge is not at all justified and should be substituted by a lighter penalty. This employee appears to have behaved like that on 30-3-1972 due to his over enthusiasm as local Secretary of the Union to make that strike successful. If he overstepped the limits of propriety in asking the officers in a violent tone not to pass the instruments or in questioning the authority of the officers, it was not due to any personal reasons but because he seems to have felt that he was the mouth piece of the staff and had to voice his protest against the actions of the officers, he felt were against his union. A proper and adequate punishment in the facts and circumstances of this case appears to be stoppage of increment for three years. In my view this would meet the ends of justice and it would be appropriate and commensurate to the misconduct of this Employee. Under Section 11-A of the I.D. Act this punishment has to be imposed in lieu of the punishment of discharge imposed by the Management. The employee is entitled to be reinstated with all benefits including

the back wages excepting these three increments falling due from the date of the order of discharge.

21. In the result, I hold that the action of the Management of State Bank of India, Hyderabad in terminating the employment of this employee Sri P. Ramakrishna by an order of discharge with effect from 11-1-1979 is not justified, and that the proper, adequate punishment is stoppage of three increments that would fall due to this employee from the date of that discharge. With this stoppage of increments, this employee shall be reinstated with all benefits including the back wages.

Award is passed in these terms.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 3rd day of December, 1983.

Sd/- ILLEGIBLE, Presiding Officer

Appendix of Evidence

Witnesses Examined
For the Workmen :

NIL

Witnesses Examined
For the Management

NIL

Documents marked for the Workmen by consent :

Ex. R1—Suspension Order No. Staff/Con. 751 dt. 3-4-72 issued by the Staff Superintendent and disciplinary authority to P. Ramakrishna Clerk State Bank of India, Kakinada.

Ex. R2—Letter dt. 17-4-72 addressed by the Agent State Bank of India, Kakinada to P. Ramakrishna, instructing him to attend the Bank regularly.

Ex. R3—Letter dt. 22-4-72 addressed by the Agent State Bank of India, Kakinada Branch to P. Ramakrishna regarding taking disciplinary action for disrupting the Bank work.

Ex. R4—Letter dt. 22-5-72 addressed by P. Ramakrishna to the Staff Superintendent and disciplinary authority State Bank of India, Hyderabad local head office requesting for supply of material papers in support of charges.

Ex. R5—Letter dt. 25-5-72 addressed by Staff Superintendent and disciplinary authority to P. Ramakrishna informing him that there is no need to supply any basic material in support of charges.

Ex. R6—Letter dt. 22-2-74 addressed by Regional Manager and disciplinary authority State Bank of India, Hyderabad Local Head Office to P. Ramakrishna regarding conduct of enquiry.

Ex. R7—Copy of the letter dt. 23-9-74 addressed by P. Ramakrishna to the Regional Manager and dis-Bank of India, Secunderabad, requesting to peruse records and other records pertaining to Hari Babu, Prasad Chowdary, Gupta, Akkanna, K. S. N. Murthy, P. Lakshminarasaiah and 3 others.

Ex. R8—True copy of the letter dt. 7-8-75 addressed by Branch Manager, State Bank of India, Kakinada to P. Ramakrishna regarding the change of his counsel P. J. Seetharaman.

Ex. R9—True copy of the letter dt. 6-10-75 addressed by P. Ramakrishna to the Regional Manager and disciplinary authority Region I, State Bank of India, Hyderabad circle Hyderabad in reply to Ex. R8 under copies to the enquiry Officer State Bank of India and the Branch Manager State Bank of India, Kakinada, regarding the enquiry in the matter of the charge sheet Staff Con. No. 1042 dt. 12-5-72.

Ex. R10—Application No. ENO/PR/1/76, dt. 12-8-76 addressed by P. J. Seetharaman defence representative of P. Ramakrishna before the enquiry officer State Bank of India Kakinada.

Ex. R11 Application No. ENO/PR/2/76 dt. 12-8-76 addressed by P. J. Seetharaman defence representative

before the enquiry officer State Bank of India, Kakinada regarding the denovo enquiry.

Ex. R12—Application No. ENQ/PR/3-76 dt. 12-8-76 addressed by P. J. Seetharaman defence representative before the Enquiry Officer State Bank of India, Kakinada, regarding the attempt of the Bank to nullify the proceedings 16/17th Jan. 1975 enquiry proceedings in the guise of re-examination.

Ex. R13—Application dt. 12-8-76 addressed by defence representative before the enquiry officer State Bank of India, Kakinada regarding the continuation of the enquiry.

Ex. R14—Application No. ENQ/PR/5/76, dt. 12-8-76 addressed by P. J. Seetharaman defence representative of P. Ramakrishna before the enquiry officer State Bank of India, Kakinada, requesting for adjourn the Proceedings and await the result of the defence representations to the Chairman and the Board.

Ex. R15—Submission made by Prosecution Officer in respect of the enquiry against P. Ramakrishna.

Ex. R16—Submission dt. 10-3-78 filed by P. J. Seetharaman regarding the enquiry against P. Ramakrishna.

Ex. R17—Second Show Cause Notice DPC/RV/No. 304 dt. 10-10-78 by the Management to P. Ramakrishna tentatively proposing punishment of discharge from service.

Ex. R18—Letter dt. 26-10-78 addressed by P. Ramakrishna to the Management offering explanation to Ex R17 for fixing the date of personal hearing and to pay travelling allowance.

Ex. R19—Final order dt. 11-1-79 by the Management discharging P. Ramakrishna from service without notice.

Ex. R20—Letter dt. 23-2-79 addressed by P. Ramakrishna to the Management regarding the appeal under para 52(12) of the Sastry Award.

Ex. R21—Copy of the letter dt. 18-2-80 addressed by the Management to P. Ramakrishna regarding the disposal of the appeal.

Documents marked for the Management by consent :

Ex. P1—Charge Sheet No. Staff/Con. 1042 dt. 12-5-72 issued by the Management to P. Ramakrishna.

Ex. P2—Explanation dt. 15-12-73 submitted by P. Ramakrishna to the Management.

Ex. P3—Letter dt. 22-2-74 addressed by Regional Manager and disciplinary authority State Bank of India to R. Ganesan State Bank of India, Visakhapatnam with regard to his appointment as enquiry officer.

Ex. P4—Letter No. Staff/Con. 440 dt. 27-4-76 addressed by the Regional Manager and disciplinary authority State Bank of India to c. c. Mukundan Nambiar Staff Officer Grade II Manager Planning Department, Hyderabad Local Head Office with regard to his appointment as enquiry officer.

Ex. P5—Enquiry Proceedings pertaining to P. Ramakrishna Book (1).

Ex. P6—Enquiry Proceedings pertaining to P. Ramakrishna Book (2).

Ex. P7—Enquiry Proceedings pertaining to P. Ramakrishna Book (3).

Ex. P8—Findings of the Enquiry Officer dt. 17-5-78.

Ex. P9—Letter dt. 21-11-73 addressed by the Management to P. Ramakrishna with regard to the explanation to the charge sheet.

Ex. P10—Letter dt. 22-9-75 addressed by the Management to P. Ramakrishna to submit his reply to the letter dt. 7-8-75.

Ex. P11—Report dt. 30-3-72 given by D. N. Appa Rao to the Agent, State Bank of India, Kakinada against P. Ramakrishna.

Ex. P12—Report dt. 29-7-72 submitted by C. V. Prithvi Raj Officer Grade I, State Bank of India Kakinada to the Agent, State Bank of India, Kakinada regarding events occurred on 30-3-72 and some other incidents enclosing a copy of a report by customer against the workman.

Ex. P13—Letter No. Staff/Con. 923, dt. 10-10-74 addressed by the Regional Manager, State Bank of India, Hyderabad to R. Ganesan, State Bank of India, Secunderabad with enclosure of letter dt. 23-9-74 received from P. Ramakrishna.

Ex. P14—Letter dt. 24-10-74 addressed by the Branch Manager R. Ganesan to the Regional Manager Region-I, State Bank of India, Hyderabad regarding the acknowledgement of the letter dt. 10-10-74 and its enclosure.

Ex. P15—Letter dt. 16-1-75 addressed by P. Ramakrishna to the Enquiry Officer, nominating P. J. Seetharaman as defence representative.

Ex. P16—Tentative decision dt. 10-10-78 of the disciplinary authority.

M. SRINIVASA RAO, Industrial Tribunal
[No. L-12012/253/80-D II.A]

New Delhi, the 1st February, 1984

S.O. 481.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on the 12-1-84.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/34 of 1983

PARTIES :

Employers in relation to the Management of State Bank of India, Pune.

AND

Their Workman.

APPEARANCES :

For the Employers—Shri P. K. Rele, Advocate.

For the Workman—No appearance.

INDUSTRY : Banking.

STATE : Maharashtra.

AWARD

Bombay, the 4th January, 1984

(Dictated in the Open Court)

By their Order No. L-12012/327/82-D.II(A) dated 9-8-83 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

"Whether the action of the management of State Bank of India, Pune, in relation to their Sangamner Branch, in terminating the services of Shri M. T. Khangate, Messenger with effect from 3-6-1981, is justified? If not to what relief the workman concerned is entitled?"

2. Despite service of notice neither the workman nor the Union has appeared in the matter supporting the claim against which the Bank has filed written statement whereby they have contended that the workman concerned during the period October, 1980 to June, 1981 served on daily basis for 168-1/2 days only and that the Bank has received a letter from the workman concerned dated 21-10-1982 whereby

he has accepted the said position and admitted to have not served for more than 240 days in any year and also expressed regret for being instrumental for raising the dispute. The said contention of the Bank is supported by Xerox copy of the writing given by the concerned workman. Consequently, if in the years 1980 and 1981 combined in which the workman served only 168-1/2 days and further admitted to have not served 240 days in any year, no relief is possible. The contentions therefore are accepted and the reference fails.

No order as to costs.

M. A. DESHPANDE, Presiding Officer.
[No. L-12012/327/82-D.II]

S.O. 482.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on the 19-1-84.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL
CHANDIGARH

Case No. I.D. 137/83

PARTIES :

Employers in relation to the Management of Punjab National Bank, Regional Office, Rohtak;

AND

Their Workman—Gulab Singh.

APPEARANCES :

For the Employers—Shri Rajiv Bhalla.
For the Workman—S.C.L. Bhardwaj.

INDUSTRY : Banking.

STATE : Haryana.

AWARD

Chandigarh, the 11th January, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. L-12012/103/83-D.II(A) dated the 12th of September, 1983 referred the following Industrial Dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab National Bank, Regional Office, Rohtak in relation to their Branch Office Narnaul in not allowing the benefit of two increments for the temporary service rendered on or after 1-1-66 in terms of Settlement dated 5-5-1979 to Shri Gulab Singh Peon, is justified? If not, to what relief is the workman concerned entitled?"

2. Today when the case came up for hearing, the parties reported a settlement revealing "inter-alia" that the Bank management have conceded the demand of the Workman and granted him the increments in terms of the settlement dated 5-5-1979, thus eliminating the dispute altogether. I accordingly return a No Dispute Award.

Chandigarh : 11-1-1984.

I. P. VASISHTH, Presiding Officer
[No. L-12012/103/83-D.II(A)]

S.O. 483.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 20th January, 1984.

1345 GI/83-11

BEFORE SHRI I. P. VASISTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D. 14/83

PARTIES :

Employers in relation to the management of Food Corporation of India;

AND

Their Workman—Shri Hans Raj Gupta.

APPEARANCES :

For the Workman—Shri P. K. Singla with him.

For the Employers—S/Sh. B. L. Loraiyan and S. K. Bhowmick.

AWARD

Chandigarh, the 18th January, 1984

The Central Government, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. L-42012(32)/81-D.IV(A) dated the 3rd of March, 1983 read with S.O. No. S-11025(2)/83 dated the 8th of June, 1983 referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India, in transferring with effect from 29th September, 1981 Shri Hans Raj Gupta, Watchman, and President of the Food Corporation of India Class IV Employees Union (Regd.) Faridkot, Unit, for his trade union activities is justified? If not, to what relief is the concerned workman entitled?"

2. Today when the case came up for hearing the parties reported a private settlement, I have taken down the statement of the petitioner-workman which has been endorsed by his Authorised Representative and accepted by Shri Loraiyan on behalf of the Management. The terms of settlement reveal that the Workman is happy at his present station of posting i.e. Baga Purana, where a large number of his friends, dear and nears are also living, and that he was no longer interested in reverting back to Faridkot.

3. Under these circumstances, on feeling satisfied that the dispute does not survive any more, I hereby, return a No Dispute Award.

Chandigarh : 18-1-1984.

I. P. VASISHTH, Presiding Officer
[No. L-42012/32/81/D.IV(A)]

New Delhi, the 3rd February, 1984

S.O. 484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of National and Grindlays Bank Limited and their workmen, which was received by the Central Government on the 16-1-84.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NEW DELHI

I.D. No. 157 of 1977

In the matter of dispute

BETWEEN

Workmen through National & Grindlays Bank Employees' Union, New Delhi;

AND

National & Grindlays Bank Limited, New Delhi.

PRESENT :

No. L. 12011/20/74/IRIII, dated 23rd December, 1974 made reference of the following dispute to the Industrial Tribunal, New Courts Building, Tis Hazari, Delhi, for adjudication and later, this reference was transferred to this Central Government Industrial Tribunal :—

"Is the management of Messrs National & Grindlays Bank Limited justified in effecting changes in the shift system, working hours and designation of chowkidars employed in their branches, sub-branches and Regional Office at Delhi and New Delhi from the 8th August, 1974 onwards? If not, to what relief are the workmen entitled?"

2. The employees of Grindlays Bank through their Union filed a statement of claim. It was mentioned that the Management was following the shift pattern in the matter of chowkidars and there were 3 shifts for the purpose and there was only one set of keys and the said keys were rotated as the duty changed between the different chowkidars.

3. The Management on 7-8-74 made an order changing the shift system and discontinuing night duty w.e.f. 8-8-74. The duty hours were fixed at 7 hours on week days and 4-1/2 hours on Saturdays with reference to para 14.2(c) of Bi-partite Settlement with no work on bank holidays and no overtime without Management's prior authority, but they were to continue to draw an allowance paid for the performance of duty of a watchman.

4. The workmen's case is that this is a change in their conditions of service, a change in designation and it was detrimental to the interest of the workmen and could not be made unilaterally by the Management and they sought relief from this Tribunal for the order dated 7-8-74 to be set aside and the three shifts system of working hours to be re-introduced.

5. The Management contested the claim. It was pleaded that the Bank had in its employment Chowkidars as well as Chowkidars-cum-Peons at its Branches in Delhi and New Delhi. The Banking industry did not work in shifts. As per para 14.3 of the Bi-partite Settlement dated 10-10-66, the hours of work of these persons were fixed at 8 hours in a period of 24 hours, but in the change made their working hours were reduced and not increased. The Management had only changed the actual timing of work of these employees. In place of one set of keys with all the chowkidars, set of keys was given to each chowkidar, but that was a matter within the discretion of the Management. The order of 7-8-74 was said to be no change in the conditions of service and Section 9-A of the Industrial Disputes Act, 1947 was said to have been not violated. It was correct that overtime payments to these workmen were reduced, but overtime was to be given only for work done and fantastic overtime work beyond 175 hours could not be said to be a condition of service.

6. The evidence of the parties have been recorded. The case has dragged down for a long time and ever since 20th October, 1983, none appeared for the working. I have heard Mr. S. S. Sethi for the Management.

7. It is correct that the overtime payments to these Chowkidars have been reduced, but overtime is obtained for actual work done beyond working hours and if no overtime work is required, the payment for that need not be made.

8. Chapter XIV of the Bi-partite Settlement in para 14.5 allows the Banks to fix actual working hours at their discretion and the only limitation is that that the maximum number of working hours shall be observed as fixed by this Settlement and it specifically mentions that the change of actual timing of working of any workmen will not require a notice under Section 9-A of the Industrial Disputes Act, 1947.

9. The Bank has got Clerical and subordinate staff divisions and the work of Peons and Chowkidars is combined in this institution and in the order of 7-8-74, the case was

taken by the Management to mention that the allowance of Watchman will not be reduced by the change in the working hours pattern.

10. The Bank does not work in shifts and it is only the Chowkidars who worked round the clock which system was discontinued by the Management. I am of the clear opinion that the changes introduced by the Management were only because the Bank premises were insured and round the clock presence of chowkidar was considered unnecessary and excessive over-time bills of chowkidars were considered wasteful, otherwise, the workmen have been benefited by reduced working hours and leave benefits. The actual payments to them have been reduced, because of overtime being curtailed, but that can hardly be said a prejudice to the interest of the workmen, when this resulted in reduction in working hours and less need of overtime-working. In any case, the Management cannot be held to have acted illegally and arbitrarily in doing so. The action of the Management is justified, in public interest and within the provisions of Bi-partite settlement parameters and does not call for interference.

11. Incidentally, a number of these workmen have been promoted in 1979-80 and have become Bill Collectors with higher emoluments.

12. The award is made in the terms aforesaid.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

January 10, 1984.

O. P. SINGLA, Presiding Officer
[No. L-12011/20/74-D.II(A)]

New Delhi, the 1st February, 1984

S.O. 485.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta in the industrial dispute between the employers in relation to the management of Messrs Shipping Corporation of India, Calcutta, which was received by the Central Government on the 19th January, 1984.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No. 30 of 1979

PARTIES :

Employers in relation to the management of Messrs Shipping Corporation of India, Calcutta

AND

Their Workmen.

PRESENT :

Mr. Justice M. P. Singh, Presiding Officer

APPEARANCES :

On behalf of Employers—Absent.

On behalf of Workmen—Mr. Asgar Ali, Vice-President of the Union

STATE : West Bengal

INDUSTRY : Shipping.

AWARD

The Government of India, Ministry of Labour by their Order No. 1-32011(8)/78-D.IV(A) dated 19th May, 1979 referred the following dispute to this Tribunal for adjudication :

"Whether the 23 workmen named below, employed by the Shipping Corporation of India Limited, Calcutta, are entitled to wages and other service conditions as are applicable to the workers of the Corporation and if so, with what details?

Sl. No.	Name of the Workman	Father's name
1.	Shri Pear Chand Mahato	Late Sri Dhaju Mahato
2.	Shri Sarju Mahato	Late Sri Dhaju Mahato
3.	Shri Saideo Mahato	Sri Jew Mahato
4.	Shri Bageswar Shaw	Late Sri Devnandan Shaw
5.	Shri Bideshi Shaw	Late Sri Nagina Shaw
6.	Shri Harindra Shaw	Shri Tookar Shaw
7.	Shri Asraf Miah	
8.	Shri Chandrika Mahato	Late Shri Rai Mohammed Mia
9.	Shri Ganesh Mahato	Late Shri Ramjayan Mahato
10.	Shri Tipu Mahato	Late Shri Ramprasad Mahato
11.	Shri Musafir Mahato	Late Shri Minu Mahato
12.	Shri Budhraj Mahato	Late Sri Durlav Mahato
13.	Shri Ramkishori Mahato	Sri Rajbanshi Mahato
14.	Shri Dudnath Mahato	Sri Jogeswar Mahato
15.	Shri Ramjanam Mahato	Sri Jamuna Mahato
16.	Shri Ram Prabesh Mahato	Shri Sahadeo Mahato
17.	Shri Ali Raja Miah	Sri Asraf Miah
18.	Shri Abdul Hanif	Late Shri Abdul Hamid
19.	Shri Ramashre Mahato	Late Sri Amika Mahato
20.	Shri Shew Mahato	Shri Rambiks Mahato
21.	Shri Misri Mahato	Late Shri Chhatu Mahato
22.	Shri Sajan Mahato	Shri Jiuth Mahato
23.	Shri Ramdeo Shaw	Late Shri Nagina Shaw"

2. It is clear that the dispute is between the Shipping Corporation of India and their workmen. The 23 workmen concerned demand wages and other service conditions, like leave facilities, holidays, weekly rest, grade, scale of pay, TA, DA, HRA and some other allowances as are applicable to other regular workers of the Corporation. It seems that they are kept as casual labours. They are paid on piece-rate basis and also on daily rate basis. Because of the permanent nature of work they have made the demand above-mentioned. All of them are porters under the Shipping Corporation of India and they do the same kind of work together for the last 15 to 20 years.

3. The Union have examined five witnesses out of whom WW-1, WW-2 and WW-3 are on the point of nature of work. WW-4 Janaki Mukherjee is the General Secretary and he has spoken about the raising of the dispute. WW-5 Md. Tasiuddin is an employee of the Dock Labour Board. He has deposed about the emoluments of a worker under the Dock Labour Board.

4. As regards the permanent nature of the work WW-2 Ali Raza Mian has clearly deposed, and it will not be necessary to refer to the evidence of the other two witnesses on this point. His evidence is that these porters including himself carry the mail bags from the ship to the shore and vice-versa; that in the office they are to arrange the files, to take letters from office to ships and to take letters from one table to another and to take furniture from one floor to another; in the godown they are asked to arrange files and papers etc; In the ship there are three types of work, technical department, passing department and crew department. In passing department the luggage of the passengers

are arranged as per order of the officer of the company. His further evidence is that the office of the Shipping Corporation supervises their work; in the technical department they accompany the Babus of the company to Airport from where spare parts are being taken and carried to the ship as per order of the said Babu, then the spare parts are taken from the godown to the company's ship. He said that there is also a godown at Kidderpore where also they work; from that godown they are to load lorries with various store part etc. and they work as ordered by the officer of the company. They also carry the materials coming by Air which are unloaded at Dum Dum Airport to the godown or to the ship as ordered by the officers of the company. The materials which come by ship are also unloaded and taken to the godown along with the officer of the company. According to his evidence it appears that the materials are taken from the godown to other places as ordered. In the crew department also they take the luggages of the crews and carry them to Customs authority as ordered by the company's officers. They also bring the luggages of the crews from Port to the ship. He says that when they work in the ship they get payment on piece-rate basis and when they work in the office they get Rs. 10 per day. He has further deposed that the company has three passenger ships and these 23 porters work on all these three ships; these three ships make trips to Andaman and back every month and throughout the month. They also work on cargo ships which are 25 to 30 in number in the Calcutta Port. He says that their work is of permanent nature and they even work on holidays. They work minimum 12 hours a day and sometimes continually for 36 hours. He has also said that the working tools are supplied by the Shipping Corporation for their work. He has also said that regular and permanent workers of the Shipping Corporation do similar jobs. The witness has spoken of another Union named Port and Dock Passengers & Loaders Association which does 50 per cent work of the passengers and crew department. But he has explained that the workers of that union work for other companies also whereas the 23 concerned workmen work only for the purpose of the Shipping Corporation. In substance these porters handle luggages of the crews and passengers of the vessels, mail packages, carry different kinds of spare parts of various machineries and also carry the bonded goods to the godown of the company and keep ready for examination of the Customs Officers. The work performed by them is of permanent and continuous nature. On these grounds Mr. Asgar Ali for the Union argues that the demand of the porters for all the facilities available to regular and permanent workers of the Corporation should be allowed.

5. The management has not examined any witness but they have filed some documents (Exts. M-1 to M-10). It appears that cross-examination was done of one witness, namely, WW-1 Ram Ashrey Mahato, but thereafter the management did not participate in further hearing of the case from 4th October, 1983 when WW-2 Ali Raza Mian was examined. On that day Sri S. K. Chatterjee, the Deputy Manager appearing for the management was present but he left the court seeking permission and thereafter he never appeared. I may mention here that he prayed for adjournment but the prayer was refused on the ground that more than 30 adjournments had already been granted in the case and on most times the management had taken the adjournment and also because the case was 1979. The case, therefore, proceeded ex parte from that day. However, the management's main stand in their written statement and in the documents filed by them is that there was no relationship of employer-employee between the concerned 23 persons and the Shipping Corporation of India because those porters were men of contractor, Algu Mahato and thereafter of Harinder Shaw (WW-3) and not of the Shipping Corporation. Mr. Asgar Ali submitted that Algu Mahato or Harinder Shaw were not contractors, that Algu was merely an intermediary and those 23 porters were not the men of the contractor. It appears however that Algu Mahato was a contractor. Ext. W-13 of August 1978 is the failure report of the ALC, Central, Calcutta. In that report it is specifically stated that the Union's stand was that Algu Mahato was a contractor under whom the 23 concerned workmen worked. Ext. M-4 is an application of WW-3 Harinder Shaw made to the Regional Director of the Shipping Corporation in which he specifically mentioned Algu as labour contractor in respect of these 23 porters. This application is dated 11th August, 1977. WW-3 said in the application that Algu Mahato, the labour contractor had not been serving the Corporation for the last several months and that he himself was ready to do/perform the functions which Algu Mahato was doing

as a contractor, such as arranging the labourers required for the jobs, arranging to obtain daily dock permit, supervision of work of labourers on port the vessels and on the shore and supervision of payment to the labourers etc. He also demanded the remuneration payable to Algu Mahato at the rate of 8 per cent of the charges for loading and unloading crew baggages and for loading and unloading mail bags. It appears that Harinder Shaw did that job for sometime. Ext. M-6 is another application dated 23 July, 1979 by WW-3 saying that the 23 labourers of Algu Mahato were requesting the Corporation to arrange payment. Ext. M-10 which is an application in Hindi by the 23 concerned workmen themselves mentions Algu Mahato as contractor. Ext. M-11 is a payment voucher which also mentions Algu Mahato as a contractor. It is thus clear that Algu Mahato was a contractor in respect of these 23 porters. However, Algu Mahato appears to have left the Shipping Corporation sometime in December, 1976 as deposed to by WW-3 Harinder Shaw. His evidence is that after Algu Mahato left in December 1976 he and the remaining 22 porters were called by the company and they were requested to do the work of Algu Mahato for 2 or 3 months and thereafter he performed the functions of Algu Mahato. I do not see any good reason to disbelieve that evidence. It is, therefore, clear that there was no contractor after December 1976. The evidence on record shows that after Algu Mahato left the Shipping Corporation the contract ended and the 23 porters were working as casual labourers of the Corporation. In any event even if Algu Mahato was a contractor, these porters can be held to be employees of the Corporation on the evidence above-mentioned. I may also point out that the reference proceeds on the basis that they were the employees of the Corporation. The union has filed a number of documents (Exts. W-1 to W-25) but most of them are not material for the purposes of decision in this case. Ext. W-1, W-3 and W-16 refer to the demand made by the concerned porters. Ext. W-13 is the failure report. Other letters deal with the correspondence with the management or the ALC and some of them are on other points. However, from the evidence on record aforesaid I find that the work done by the concerned 23 porters is of permanent nature. It is also obvious that the work done by them are necessary for carrying on the business of the Shipping Corporation of India. It is admitted by the Shipping Corporation in their written statement that they carry on the business of carriage of passengers and goods by sea for reward and for that business they own a number of sea going vessels; that the shipping services are regular between Port Blair and Calcutta for carriage of passengers and goods on behalf of Government of India. It is also mentioned in the written statement of the Corporation that the Corporation makes available contractor's casual labourers (baggage loaders) when the crews utilise them for loading or unloading their baggages. The Corporation also says in their written statement that at all material times such casual labours were engaged in loading and unloading of passenger luggage and goods. The corporation does not deny the engagement of the 23 concerned workmen, rather they admit that they did work although the case of the Corporation is that they were men of the contractor and not of the Corporation. On the evidence I hold that the work done by the concerned 23 porters are regular and is of permanent nature. Their work is for the business of the Corporation. The luggage, packages, spare parts etc., have to be carried and cargos have to be loaded and unloaded. I also find that their work is similar in nature to the work of the regular workers of the Corporation. It is true that there is no regular fixed hours of work but that is immaterial. These porters after December 1976 did not work under any contractor and they are all along working for the business of the Corporation. The Corporation no doubt has kept them as casual labourers but in my opinion the word 'casual' cannot be used for such work which is of permanent nature. These porters are working for 14 to 20 years continuously, even on holidays. I therefore, hold that they cannot be called casual labourers. I accordingly order that the Corporation should take over the entire body of the 23 concerned workmen from the expiry of one month of the Gazette Notification of this award. Their terms and conditions of service shall be the same as those of other regular workmen of the Shipping Corporation.

6. In the result, my award is that the 23 concerned porters named in the Schedule to the Reference are entitled to wages and other service conditions as are applicable to the

workers of the Corporation from the date of the expiry of one month of Gazette Notification of this Award.

Dated, Calcutta,
The 7th January, 1984.

M. P. SINGH, Presiding Officer
[No. L-32011/8/78/D.IV(A)]
N. K. VERMA, Desk Officer

New Delhi, the 23rd January, 1984

S.O. 486.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Kessurgarh Colliery of Messrs Bharat Coking Coal Limited, Post Office Nudkhurkee, District Dhanbad and their workmen, which was received by the Central Government on the 12th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.

Reference No. 115 of 1982

In the matter of an industrial dispute under S. 10(1) (d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Kessurgarh Colliery of M/s. Bharat Coking Coal Ltd., P.O. Nudkhurkee, Dist. Dhanbad and their workmen.

APPEARANCES .

On behalf of the employers—Shri B. Joshi, Advocate.
On behalf of the workmen—Shri B. Lal, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, 7th January, 1984

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its order No. L-20012 (178)/82-D. III A dated the 24th September, 1982 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the demand of the workmen of Kessurgarh Colliery of Messrs Bharat Coking Coal Limited, Post Office Nudkhurkee, District Dhanbad for upgradation of Shri Lalu Ram Mahato, Despatch Clerk as Grade-I Clerk is justified? If so, to what relief is the workman concerned entitled and from what date?"

The case of the concerned workmen is that he joined Kessurgarh Colliery of B. C.C.L. (Area No. I) in 1970 as despatch clerk in Grade III. Formerly there were two clerks in Grade I in Despatch Section of Kessurgarh Colliery when the concerned workman joined. One of them was N.N. Roy who retired from service in 1972/73 and the other person Rakhal Lahiri expired in the year 1974. After the retirement and death of the above 2 persons, two other despatch clerks were appointed in Grade II in the year 1975/76. The concerned workman was doing all the responsible works of despatch section which were previously done by the 2 Grade I clerks. The local authorities who supervise the jobs of the concerned workman recommended to upgrade his as a despatch clerk in Grade I. The concerned workman is a graduate and his service records are highly satisfactory. Many other clerks in the area although appointed as clerk much later than the concerned workman were promoted/upgraded to Grade I as Despatch clerk. The case of the concerned workman to place him in Grade I was not considered. One Sri Sisir Kumar Majumdar was appointed as Munshi in Grade III in May, 1972 at Phularitand Colliery within Area No. I and then he was upgraded to Grade II as P. F. Clerk at Kessurgarh Colliery in the year 1975 and thereafter he was promoted to Grade I as Despatch Clerk at Barora (Area No. I)

and then in 1978. The upgradation / promotion are not made on the basis of personal interview and other merit test but it is made at the sweatwill of the authorities concerned. The concerned workman Shri Lal Ram Mahato is a qualified man and has been doing all the jobs of despatch work Grade I and as such he is entitled to be placed in Grade I at Kessurgarh at least from 22-9-78 (the date on which Shri Sisir Kumar Majumdar was upgraded to Grade I as despatch clerk). The concerned workman is being victimised for collectorial reasons.

The case of the management is that the concerned workman has been rightly placed in as Despatch Clerk in Grade II. In accordance with the recommendation of the Wage Board and the National Coal Wage Agreement No. I & II is receiving the wages as prescribed in the Coal Wage Board Recommendations and National Coal Wage Agreement No. I & II. The management has a promotion policy and cadre Scheme which is laid down the principles of promotion from clerical Grade II to Clerical Grade I. The seniority of all clerks in Grade II of the entire area is considered as main criterian subject to satisfactory performance for promotion from Grade II to Grade I. The workman wants to be upgraded from Grade II to Grade I on the ground that he has put a number of years of service as Grade II despatch clerk. But there do not exist any rule to promote any clerk in Grade I from Grade II on the basis of length of service on a particular job. The management has no rule of upgradation which workman has claimed. The demand of the union for upgradation of the concerned workman is unreasonable.

The post of despatch clerk of Kessurgarh Colliery is filled by Grade II clerk. After the introduction of the promotion scheme in 1977, seniormost clerk of Kessurgarh Colliery in Grade II were promoted to Grade I as they could not be given Grade I jobs in other department due to inadequate qualifications and lack of experience of performing jobs in other departments and they were allowed to continue for few years before retirement in the same department. The rule of promotion is that for promotion from Grade III to Grade II, seniority is counted collierywise but for promotion from Grade II to Grade I, the seniority is counted areawise subject to satisfactory performance. There is no Grade I post of despatch clerk in Kessurgarh Colliery and the concerned workman is not performing the duties of Grade I post. The concerned workman Lal Ram Mahato was junior to many workers in Grade II and as such he was not promoted to Grade I earlier.

Admittedly after the reference in question the concerned workman Shri Lal Ram Mahato was promoted/upgraded from Clerical grade II to Grade I by the Office Order dated 30-7-83 (Ext.W-1) w.e.f. 1-5-83. Thus there is no dispute as to whether the concerned workman is fit to be promoted / upgraded in Grade I. The workman has already got Grade I vide Ext.W-1 and he now only disputes the date from which he should get Grade I. It appears therefore that the demand of the concerned workman for upgradation as Grade I despatch clerk was justified.

The only question which remains to be decided in this reference is the date from which the concerned workman is entitled to get Grade I.

The workman has filed Ext.W-1 which is the Office Order dated 30-7-83 issued by the Office of the General Manager, Barora Area of BCCI. It will appear from this office order that 181 clerks of Grade II of Barora Area as per list enclosed were promoted/upgraded from clerical Grade II to Grade I with immediate effect and they were given national seniority w.e.f. 1-5-83. The enclosed list shows the concerned workman Shri Lal Ram Mahato at Sl. No. 46 of Kessurgarh Colliery who was promoted to grade I.

MW-1 Shri M. K. Singh has stated that Shri Lal Ram Mahato was promoted in Grade I as per Ext. M-3. WW-1 who is the concerned workman has also stated that on general upgradation he was promoted to Grade I. But he has asserted that he should get Grade I since the date Shri Sisir Kumar Majumdar was promoted to Grade I i.e. 29-6-77. He has stated that Shri Sisir Kumar Majumdar is junior to him as Shri Majumdar was appointed in the year 1972 and the concerned workman was appointed in 1970. Ext. W-4 is the list of seniority of Grade I Clerks of Barora Area dated 6-4-82 which has been filed to show the date of appointment of Sisir Kumar Majumdar. The relevant entry is at Sl. No.

51. It shows that Shri Kumar Majumdar has read upto Pre-University and was first appointed on 5-7-72 and was in the present Grade I since 29-6-77-Ext. W-3 is the provisional seniority list of clerks Grade II of Barora Area dated 1-11-81. The said list is a provisional one but the management has filed a final seniority list of Grade II clerks of Barora Area dated 12-4-82 which is Ext. M-1. It will appear from Ext. M-1 that Sl. No. 62 contains the name of Lal Ram Mahato whose qualifications has been shown as B.A., dated of appointment as 1-1-70 and existing Grade II since 1-5-72. On comparison of Ext. M-1 and Ext. W-4 it will appear that Sisir Kumar Majumdar was appointed on 5-7-72 was the date of appointment later than the date of appointment of Lal Ram Mahato. It appears, therefore that Lal Ram Mahato was senior to Shri Sisir Kumar Majumdar.

WW-1 has stated that Shri Sisir Kumar Majumdar was working in Grade III as Munshi in Barora Area and was appointed in the year 1972. He has further stated that thereafter Sisir Kumar Majumdar was transferred to Kessurgarh Colliery in 1975 in Clerk Grade II and that Shri Majumdar was promoted in Grade I from 29-6-77. The said date of appointment of Sisir Kumar Majumdar has not been challenged in the evidence of MW-1 and the statement given by WW-1 appears to be correct inasmuch as the same finds support from the documents stated above.

It appears from the case and evidence of the concerned workman that at first he was putting his claim to be promoted in Grade I on the basis that 2 Grade I posts of despatch clerks fell vacant in Kessurgarh Colliery where he was working in Grade II and that he was entitled to Grade I on the death and retirement of the 2 clerks of Grade I. The said case of the workman that he was entitled to be promoted to Grade I after the death/retirement of the 2 senior clerks of Kessurgarh Colliery has been given up in view of the fact that the promotion is not made collierywise but the same is made areawise.

The management has produced Ext. M-2 which is a photostat copy of Cadre scheme of clerical staff. The principles of promotion are stated in para 6.1 and 6.2. It will appear from para 6.1 that for the purpose of promotion from Grade III to Grade II and from Grade II to Grade I employees will be promoted on the basis of seniority as the main criteria subject to their satisfactory performance. Para 7.1 deals with the principles of seniority. It states that seniority will be counted from the date an employee has been appointed/promoted to a particular grade. On this principle the seniority of the concerned workman and Sisir Kumar Majumdar is to be considered from the date of appointment. In accordance with the evidence of WW-1 it will appear that he was appointed in Grade II in the year 1970 whereas Shri Sisir Kumar Majumdar was appointed in Grade III in the year 1972 and that subsequently in 1975 Shri Majumdar was promoted to Clerical Grade II. Thus both in points of the date of appointment and the date of promotion in Grade II, it will appear that Shri Lal Ram Mahato was senior to Shri Majumdar. No special reason has been given by MW-1 as to why Shri Majumdar was upgraded to Grade I prior to the concerned workman. He has, no doubt, stated in general that the workers who were not put to proper grade although they were working in higher grade were also put in higher grade by removing the anomalies. This evidence of MW-1 does not clarify the position as to why Shri Majumdar who was appointed in Grade III in 1972 and was upgraded in Grade II in 1975 was promoted to Grade I w.e.f. 29-6-77 and the case of the concerned workman was left to be considered although he was senior to Majumdar in respect of the date of appointment and also in respect of the date since when he was placed in Grade II. WW-1 has stated that the promotions are made on the basis of Character Roll and seniority. MW-1 has not stated that the work of the concerned workman was unsatisfactory. On the contrary the workman has produced Ext. W-5 which is Confidential Remark of the management of Kessurgarh Colliery and shows that Shri Lal Ram Mahato was efficient, and hard working and sincere and that he deserves promotion in Grade I. Thus Confidential Remark of the concerned workman also appears to be quite satisfactory. MW-1 has stated that he does not remember as to how the vacancies in Grade I and II are filled up. He has stated that there is no paper to show as to how Shri Majumdar was promoted in Grade I although MW-1 is a Personal Officer. It is expected from

him that he is quite well conversant in the rules and procedure regarding appointment and promotions of the persons in the colliery. It appears that he is trying to evade the real facts in as much as there is no special ground as to why Shri Sisir Kumar Majumdar was promoted to Grade I leaving the claim of the workman concerned. MW-1 has not stated if there was any anomaly in the case of Shri Majumdar and that Shri Majumdar was set in Grade I by removing any anomaly in his case. It is clear that there is absolutely nothing on the record to show any special reason as to why Shri Sisir Kumar Majumdar was given Grade I leaving aside the claim of the concerned workman who was senior to him.

WW-1 has stated in his cross-examination that as actually no list of Grade II clerks had been prepared prior to 1977, juniors were promoted. Admittedly the seniority list was finally issued on 12-4-82 in respect of Grade II clerks and on 11-11-81 in respect of Grade I clerks. The workman has produced Ext. W-2 which is an Award dated 26-5-1982 in Ref. No. 25/80. The schedule of the said reference was as follows :

"Whether the demand of the workmen of Kessurgarh Colliery of Messrs Bharat Coking Coal Limited, Post Office Nudkhurkee, District Dhanbad that Sarvashree Baleshwar Prasad Singh, Madhusudan Sharma, and J. K. Roy should be promoted to clerical Grade I is justified. If so, to what relief are the said workmen entitled and from what date?"

In the said reference the workmen concerned were S. Shree Baleshwar Prasad Singh, Madhusudan Sharma and J. K. Roy. Their names appear in the final seniority list of clerks of Grade II in Ext. M-1. Madhusudan Sharma's name is at Sl. No. 4. Shri J. K. Roy's name is at Sl. No. 50 and Shri Baleshwar Prasad Singh's name is at Sl. No. 55. The concerned workman Shri Lalu Ram Mahato's name is at Sl. No. 52. It will appear from the copy of Award Ext. W-2 that S/Shri Madhusudan Sharma, J. K. Roy and Baleshwar Prasad Singh were promoted to Clerical Grade I. The position of Shri Lalu Ram Mahato at Sl. No. 52 in Ext. M-1 is higher to that of Baleshwar Prasad Singh who was upgraded in Grade I since long but Sri Lalu Ram Mahato. This Ext. W-2 has been filed to show that the workman lower in Sl. No. from Lalu Ram Mahato was upgraded in Grade I since long but Sri Lalu Ram Mahato had not been up graded along with them. From the evidence discussed above it will appear that the action of the management was unfair and arbitrary in not upgrading Shri Lalu Ram Mahato from 29-6-77 since when Shri Sisir Kumar Majumdar was upgraded in Grade I. Although promotions/upgradation is a managerial functions, it cannot be on the subjective satisfaction of the management but must be on some objective criteria and on this basis Shri Lalu Ram Mahato should have been upgraded from 29-6-77 from that date Shri Sisir Kumar Majumdar, junior to him was upgraded to Grade I.

Thus having considered all aspects of the case I hold that the demand of the workmen of Kessurgarh Colliery of M/s Bharat Coking Coal Ltd., P.O. Nudkhurkee, Distt. Dhanbad upgradation of Shri Lalu Ram Mahato. Despatch Clerk as Grade I Clerk was justified and in fact Shri Lalu Ram Mahato has subsequently been up graded as Grade I clerk and that he should be deemed to have been promoted to clerical Grade I w.e.f. 29-6-77. The concerned workman is also entitled to all other benefits of Clerical Grade I w.e.f. 29-6-77.

This is my Award.

I. N. SINHA, Presiding Officer
[No I-20012(178)/82-D.III(A)]

S.O. 487.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of South Govindpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad, and their workmen, which was received by the Central Government on the 12th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 21 of 1980

PARTIES :

Employers in relation to the management of South Govindpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 7th January, 1984

AWARD

By Order No. L-20012(104)/80-D.III(A), dated, the 25th September, 1980, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred the following dispute to this Tribunal for adjudication :

"Whether the demand of the workmen of South Govindpur Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad that Shrimati Purni Mahalin should be re-instated with full back wages is justified ? If so, to what relief is the said workman entitled ?"

2. The case of the workmen is that concerned workman, Smt. Purni Mahalin, had been working in the South Govindpur colliery as permanent wagon loader since long with unblemished record of service. Sometime in the year 1975 she fell ill and as such she could not report for duty for a few days but curiously enough when after recovering from her illness she reported for duty she was not allowed to resume her duty. She later on came to know that one Smt. Kalabati Beldarin had been allowed to work in her place in her name on which she immediately protested to the management against the illegal and fraudulent action of the management in allowing the said Smt. Kalabati Beldarin to impersonate in her place but the management did not take any action on her complaint. Thereupon she reported the matter to Sri S. N. Pathak, Executive Magistrate, Labour Cell, Dhanbad, who directed the management to show cause. The management apprehending the danger immediately stopped the fictitious Purni Mahalin i.e. Smt. Kalabati Beldarin from duty. Thereupon Smt. Kalabati Beldarin started putting pressure on the interested officers for allowing her to resume duty and the management ultimately surrendered to the pressure exerted on it by entering into a settlement with another puppet union, namely, the Rashtriya Colliery Mazdoor Sangh whose leaders were also party to this nasty game, and allowed Smt. Kalabati Beldarin to resume her duty in the name and style of Smt. Purni Mahalin. Thereupon the concerned workman and also the sponsoring union, namely, the Bihar Colliery Kamgar Union, protested against the arbitrary and illegal action of the management but without any effect. Thereupon the sponsoring union raised the dispute before the Asstt. Labour Commissioner (C), Dhanbad but the same ended in failure due to the adamant attitude of the management leading to the present reference. According to the workmen, the action of the management in stopping the concerned workman and allowing Smt. Kalabati Beldarin to work in the assumed name of Purni Mahalin was not only arbitrary and illegal but it smacks of corrupt practices in connivance with some officials and the puppet trade union leaders. The demand of the workman is that the concerned workman should be reinstated with full back wages.

3. The case of the management, on the other hand, is that no employer-employee relationship existed between the

management and the concerned lady at any time. Another lady named Smt. Purni Mahalin was working as casual wagon loader was on the roll of the management on the day of take over of the management of the colliery on 17-10-1971 and she continued to work as casual wagon loader. In the year 1975, however, there was a complaint that the said Smt. Purni Mahalin and 11 others had entered into the service surreptitiously by impersonation whereupon the management stopped all of them from their duties with effect from 23-12-1975. The said Purni Mahalin, however, produced her Bonus Card and several other chits in proof of her claim that she had been continuously working from before the take over of the management of the colliery till 23-12-75 and she also produced certificate from the Mukhiya of her village besides other documents in proof of her genuineness. No other lady with the name of Purni Mahalin came forward at that time with any complaint that she was stopped from her duty. Similar was the case in regard to the other 11-workmen. Considering all the facts and circumstances, the management agreed before the Asstt. Labour Commissioner (C) that the said Smt. Purni Mahalin and 11 others on whose behalf an industrial dispute was raised by an other union namely, the Rashtriya Colliery Mazdoor Sangh, were genuine workmen and accordingly a conciliation settlement was arrived at between the management and the Rashtriya Colliery Mazdoor Sangh on 19th June, 1976 and settlement was fully implemented. The said Smt. Purni Mahalin voluntarily retired in the month of May, 1979 and in her place her dependent has been employed as badli miner according to the scheme. Thereafter in September, 1979 the present dispute had been raised by another union, namely, the Bihar Colliery Kamgar Union, by setting up the concerned lady with some ulterior motive. The contention of the management, therefore, is that the demand for reinstatement of the concerned lady is without any basis and is unjustified and she is not entitled to any relief.

4. Regard being had to the frame of the reference, the burden was on the workman to prove that their demand that the concerned workman should be reinstated with full back wages is justified. But no evidence has been led on behalf of the workman to justify their demand though the reference is of the year 1980 and it has lingered on for more than 4 years. From a perusal of the order sheet dated 7-12-1983 it would appear that though Sri B. Joshi, Advocate, was present on that date on behalf of the management, Sri D. Mukherjee, Secretary of sponsoring union, the Bihar Colliery Kamgar Union, who had been earlier appearing in this case for the workmen, was again absent on that date, and he was also absent on the previous two dates. The concerned workman had also not been appearing in this case since last several dates nor any step had been taken on her behalf. In the circumstances the case was adjourned to 12-12-83 for ex-parte hearing. On 12-12-83 Sri B. Joshi, Advocate, was present on behalf of the management and Sri D. Mukherjee was present on behalf of the workmen; but Sri D. Mukherjee submitted that on that date also he was not in a position to lead evidence as the concerned workman had not come. He, however, prayed that one more and last chance may be given to him to lead evidence on behalf of the workman and if he would fail to lead evidence on the next date the case may be dispersed of ex-parte. Accordingly, with the consent of Sri D. Mukherjee and B. Joshi the case was adjourned to 5-1-1984 for hearing with a clear direction that in case no evidence would be led even on the adjourned date on behalf of the workmen the case would be heard ex-parte. On 5-1-84, however, again Sri D. Mukherjee expressed his inability to lead evidence on behalf of the workmen on the ground that the concerned workman had again not turned up. In the circumstance, the case was taken up ex-parte. Sri B. Joshi, Advocate, appearing on behalf of the management, however, submitted that since regard being had to the frame of the reference the burden was on the workman to prove that their demand that the concerned workman should be reinstated with full back wages is justified and since no evidence has been led on behalf of the concerned workman, the reference may be decided against the workmen on the basis of burden of proof, and the management need not lead any evidence. In the circumstance, the award was reserved.

5. I agree with the aforesaid contention of Sri B. Joshi, Advocate, appearing on behalf of the management that since regard being had to the frame of the reference the burden was on the workmen to prove that their demand that the concerned workman should be reinstated with full back wages is justified and since no evidence has been led on behalf of the workmen

the reference has got to be decided against the workmen on the basis of burden of proof even in the absence of any evidence on behalf of the management. Accordingly, in the absence of any evidence led by the workmen, it is held that the workmen had failed to prove that their demand that the concerned workman should be reinstated with full back wages is justified, and that being so the concerned workman is not entitled to any relief. The reference is answered and the award is made accordingly. But in the circumstance of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer.

[No. L-20012(104)/80-D.III(A)]

S.O. 488.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Teturiya Colliery of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 17th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 40 of 1982

PARTIES :

Employers in relation to the management of Teturiya Colliery of M/s. Bharat Coking Coal Limited, P.O. Jealgora, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri R. S. Murty, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad the 9th January, 1984

AWARD

By Order No. L-20012(126)/77-D.III(A), dated, the 24th April, 1982, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

"Whether the demand of the workmen of Teturiya Colliery of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad, for reinstatement of Shri Bindhachal Choubey, Night Guard, who was dismissed from service in 1976 for illegal money-lending is justified, keeping in view his acquittal by the Judicial Magistrate, 1st Class, Baghmara at Dhanbad on 28-9-1977 ? If so, to what relief is the workman concerned entitled and from what date."

2. The case of the management is that on receipt of a report by the management that the concerned workman, Bindhachal Choubey, Night Guard of Teturiya Colliery, had indulged in money lending to Paltu Mahato, F. R. Mazdoor, and he was getting very huge amount every week on this account which constituted misconduct within the meaning of the Standing Orders applicable to the colliery he was issued a chargesheet dated 9-12-1975 by the Manager of Teturiya Colliery and he was called upon to submit his explanation. He submitted his explanation to the chargesheet which was duly considered by the Manager of the colliery and since it was found to be unsatisfactory a domestic enquiry into the matter was ordered and Sri S. S. Mitra, Senior Personnel Officer, Area No. III was appointed the Enquiry Officer who held the enquiry in which the concerned workman fully participated and the

management's witnesses were examined in his presence and he was given full opportunity to cross-examine them. The concerned workman also examined himself and produced his defence witness. On the basis of the enquiry held the Enquiry Officer submitted his enquiry report holding the concerned workman guilty of the charge framed against him. In the meantime the concerned workman was transferred from Teturia colliery to Tasra colliery of M/s. Bharat Coking Coal Ltd. The D.I.G. of Police and Chief of Security of M/s. Bharat Coking Coal Ltd., who is the head of the Security Department and under whom the entire security personnel work, considered the enquiry report and accepted the findings of the Enquiry Officer, and since the misconduct proved against the concerned workman was serious he ordered his dismissal from service by his order dated 17/19-3-79 with immediate effect. The D.I.G. of Police and Chief (Security), had been delegated the necessary powers for this purpose and he was fully competent to pass the order of dismissal of the concerned workman. The concerned workman had filed a title suit against the management in the court of Sri P. N. Yadav, Munshif Incharge, 1st Court, Dhanbad and had prayed for an ad-interim injunction but the same was refused. The local police had also lodged a criminal case against the concerned workman being G.R. Case No. 2722/76 under Section 387 of the Indian Penal Code but he was acquitted of the charge under Section 387 of the Indian Penal Code which relates to "putting a person in fear of death or of grievous hurt in order to commit extortion." The Central Government in the Ministry of Labour had earlier declined to refer this dispute for adjudication and had intimated the same to the management and the sponsoring union/workmen vide its letter No. L-20012/126/79-D.III(A) dated 22-9-1977 and hence the present subsequent reference by the Ministry by Order No. L-20012/126/77-D.III dated 24-4-82 is not maintainable as it is stopped from reviewing the matter without any fresh material. Moreover, the scope and purpose of a criminal trial are entirely different from the scope and purpose of a domestic enquiry and the subsequent acquittal of the concerned workman by a criminal court cannot be a ground for re-opening the question of his dismissal based on a properly held domestic enquiry. The validity and fairness of the domestic enquiry may, however, be determined as a preliminary issue and if domestic enquiry is held not to be valid and fair the management may be permitted to adduce evidence afresh before this Tribunal for establishing the guilt of the concerned workman.

3. The case of the concerned workman, Bindhachal Choubey, on the other hand, is that he was appointed as Night Guard on 4-7-55 by the erstwhile owner of Teturia colliery which subsequently vested in M/s. Bharat Coking Coal Ltd. with effect from 1-5-1972 and since after his appointment he was under the direct control and supervision of the colliery Manager and he had continuous and unblemished record of service to the full satisfaction of the management. He was/is a local Branch Secretary of the sponsoring union, the Bihar Colliery Kamgar Union. Some officers of the management were very much biased and prejudiced against the Bihar Colliery Kamgar Union members and they were/are practically supporters of the rival union headed by the local leader, Chandra Deo Choubey, who happens to be the brother of the concerned workman and who had a domestic quarrel with him. At the instance of the said Chandra Deo Choubey, Paltu Mahato had reported to the Magistrate against the concerned workman falsely alleging lending of money at exorbitant rate. Thereupon the biased management chargesheeted him for allegedly lending money at exorbitant rate and the local police also lodged a criminal case against him under Section 387 of the Indian Penal Code which was registered as G.R. Case No. 2722/75. The chargesheet issued by the management against him was vague and indefinite and it lacked in material details and copy of the written complaint of Paltu Mahato was also not supplied to him. He, however, submitted his explanation denying the vague charges. The management, however, with mala fide and pre-determined aim to victimise him, initiated a domestic enquiry. He requested the management to postpone the domestic enquiry on the ground that for the same allegation a criminal case was going on and disclosure of his evidence/defence in the domestic enquiry will jeopardise his interest in the criminal trial. The management, however, conducted a perfunctory and invalid enquiry which was a mere eye wash and an empty formality in which he was not given full chance to adduce his evidence or to cross-examine the management's witnesses and even in such an invalid and

irregular enquiry the charge against him was not established but nevertheless the Enquiry Officer gave a perverse finding that the charge had been proved against him which is not based on the evidence on record. On the basis of such a perverse enquiry report he was dismissed by the D.I.G. and Chief (Security) who had no authority to dismiss him under the provisions of the Standing Orders applicable to the colliery. In the criminal case which was numbered as G.R. Case No. 2722/75 he was, however, acquitted by the Magistrate whereupon he as well as the sponsoring union had represented before the management several times for his reinstatement with full back wages but without any effect. Seeing no other alternative the sponsoring union had raised an industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad, but the conciliation proceeding ended in failure due to the adamant attitude of the management and the Government of India had in the first instance refused to refer the dispute for adjudication probably because full facts were not known to them and probably due to pressure exerted by the interested officials of M/s. Bharat Coking Coal Ltd. but the union again raised the dispute and submitted full facts and being satisfied with the genuine demand of the workman the Government has been pleased to refer the dispute to this Tribunal which was fully within the competence of the Govt. On these grounds his contention is that his dismissal in the year 1976 was illegal, arbitrary and unjustified and against the principles of natural justice and his demand is for reinstatement with full back wages.

4. Since the concerned workman had in his written statement challenged the validity and fairness of the domestic enquiry and the management had also in its written statement pleaded for determining the question as a preliminary issue, the question of validity and fairness of the domestic enquiry had been taken up as preliminary issue in which the management had examined two witnesses including the Enquiry Officer and had also exhibited certain documents. The said preliminary issue regarding the validity and fairness of the domestic enquiry has been disposed of by order dated 20-10-1983 by which it has been held that the domestic enquiry against the concerned workman was quite fair and proper. Thereafter the case had been heard on merit on the materials already on the record of the domestic enquiry.

5. Ext. M-1 is the chargesheet dated 9-12-1975 under the signature of the Manager, Teturia colliery served on the concerned workman which is quoted below:

"During the course of inspection by the Magistrate, Sri R.B. Singh, Dhanbad Sadar on 1-11-75 at about 4.00 P.M. in our colliery Sri Palto Mahato, F.R. Mazdoor reported to him that you have lent money to him and for which you are getting a very huge amount in every week, the money lending practice for an employee is a misconduct as per our Standing Orders.

Explain within 48 hrs. of receipt of this letter as to why disciplinary action should not be taken against you."

Ext. M-10 in the explanation dated 19-12-75 submitted by the concerned workman to the Manager denying the charge and further stating that he had been falsely implicated in this case at the instigation of rival union. Ext. M-3 is the letter dated 19-12-75 of the Manager addressed to the concerned workman in which he was informed that his explanation to the chargesheet had not been found to be satisfactory and that he should present himself in the office of the Senior Personnel Officer, Sri S.S. Mitra, Area No. III for the purpose of an enquiry into the matter. Sri S.S. Mitra, MW-1, held the domestic enquiry and the records of the depositions of the witnesses examined at the domestic enquiry have been collectively marked as Ext. M-7. It would appear from the said recorded depositions, Ext. M-7, that Paltu Mahato and Badri Singh were the two witnesses examined on behalf of the management who were also cross-examined by the concerned workman and thereafter the concerned workman examined himself and also examined his two defence witnesses, namely, Karu Mia and Suku Aahir who were, however, not cross-examined on behalf of the management. On the basis of the evidence adduced at the domestic enquiry, the Enquiry Officer had submitted his typed enquiry report dated 12-2-1976 (Ext. M-9) in which he held the concerned workman guilty of lending money to Paltu Mahato and it was on the basis of the said enquiry report which was accepted by the dismissing authority that the concerned workman was dismissed from service with

immediate effect by the order of dismissal dated 17/19-3-76 (Ext. M-2) for misconduct.

6. In respect of the same matter a criminal case was instituted against the concerned workman which was numbered as G. R. Case No. 2722/75 in which, however, the concerned workman was acquitted by judgement dated 28-9-1977 (Ext. W-1) passed by Judicial Magistrate, First Class, Baghmara at Dhanbad and it was after his said acquittal that the present reference has been made in which a reference has also been made to the aforesaid judgement of acquittal.

7. It has been contended by Sri R.S. Murty appearing on behalf of the management that the Central Government in the Ministry of Labour had earlier declined to refer the dispute for adjudication and had intimated the same to the management and the sponsoring union vide its letter No. L-20012/126/77-D. III(A) dated 22-9-77 and hence the present subsequent reference by the Ministry by Order No. L-20012/126/77-D. (III) dated 24-4-1982 after the acquittal of the concerned workman by the criminal court is not maintainable as it is stopped from reviewing the matter without any fresh material. This point, however, appears to have been settled by the Supreme Court in the case of M/s. Western India Match Company Limited Vs. The Western India Match Co. Workers' Union (1970)(II) LLJ.256 and Aven Services Production Agencies (P) Ltd. Vs. Industrial Tribunal, Haryana and others (1978) 53 IJR 341 in which it has been held that in the light of the nature of function of the Government the object for which the power is conferred on it, it would be difficult to hold that once Government has refused to refer, it cannot change its mind on re-consideration of the matter either because new facts have come to light or because it had mis-understood the existing facts or for any other relevant consideration and decided to make the reference, and that it is not possible to accept the submission that if the Government had on an earlier occasion declined to make a reference, unless it be shown that there was some fresh or additional material before the Government, the second reference would be incompetent. In view of the aforesaid Supreme Court decision I see no merit in the aforesaid contention of Sri R.S. Murty appearing on behalf of the management that the present subsequent reference made by the Central Government is not maintainable in view of its earlier refusal to make a reference. The present reference is, therefore, held to be maintainable.

8. Thereafter the only point which remains to be consideration is as to whether the dismissal of the concerned workmen is justified on merit of the domestic enquiry. As already mentioned above the only thing alleged and held to have been proved in the enquiry report dated 12-2-76 (Ext. M-9) against the concerned workman was that he had lent money to Paltu Mahato and it was on acceptance of the said findings in the enquiry report that the concerned workman was dismissed by order dated 17/19-3-76 (Ext. M-2) for misconduct. Clause 17(1)(s) of the Model Standing Orders applicable to M/s. Bharat Coking Coal Ltd., however, makes habitual money lending a misconduct for which disciplinary action can be taken against a workman. The word "habitual" has been the subject matter of the judicial interpretation by the Supreme Court in the case of the Management of Monghyr Factory of I.T.C. Ltd., Monghyr, Bihar Vs. the Presiding Officer, Labour Court, Patna (Bihar) and others (1978 B.L.J. 608) in which it has been held that an act is said to be habitual only when it is repeated several times and not when it is done only once. In this connection it is also the evidence of the Enquiry Officer Shri S.S. Mitra (MW-1) before this Tribunal that before holding the enquiry he had not received any complaint from any other workman other than Paltu Mahato regarding the concerned workman doing any money lending business in colliery area and that he knows the meaning of the "habitual" which means an act repeatedly done. Since, however, one single act of money lending by the concerned workman to Paltu Mahato was alleged and held to have been proved in the domestic enquiry, it cannot be said that any case of habitual money lending was proved against him which alone is misconduct within the meaning of clause 17(1)(s) of the Model Standing Orders applicable to M/s. Bharat Coking Coal Ltd. Finding this difficulty, Sri R.S. Murty, Advocate, appearing on behalf of the management, in course of his

argument tried to bring the case against the concerned workman under clause 17(1)(q), of the Model Standing Orders which makes any breach of Mines Act, 1952 or any other Act or of any rules, regulations or by-laws, thereunder or of any Standing Orders a misconduct, and he contended that the action of the concerned workman in lending money to Paltu Mahato was in breach of the Bihar Money-lenders Act, 1974. That Act, however, also applies to habitual and professional money lenders and not to casual money lenders. Therefore, that contention of Sri R.S. Murty is also meritless. The result, therefore, is that no misconduct under the Model Standing Orders applicable to M/s. Bharat Coking Coal Ltd. was proved against the concerned workman and that being so his dismissal for misconduct by order dated 17/19-3-76 (Ext. M-2) with immediate effect must be held to be wholly unjustified, apart from the facts that he was also subsequently acquitted in respect of the same matter by the judicial Magistrate, First Class, Baghmara at Dhanbad by judgement dated 28-9-77 (Ext. W-1) passed in G.R. Case No. 2722/75.

9. In the result, it is held that the demand of the workman of Teturiva colliery of M/s. Bharat Coking Coal Ltd. for reinstatement of the concerned workman, Bindhachal Choubey, Night Guard, who was dismissed from service by the order of dismissal dated 17/19-3-76 (Ext. M-2) with immediate effect for illegal money lending, is justified, and he is ordered to be reinstated with effect from the date of his dismissal with full back wages. The reference is answered and the award is made accordingly. In the circumstance of the case, however, there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer

[No. L-20012(126)/77-D. III A]

New Delhi, the 28th January, 1984

S.O. (489).—In the pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Barora Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad and their workmen, which was received by the Central Government on the 17th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 65 of 1981

PARTIES :

Employers in relation to the management of Barora Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad

AND

Their Workmen

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.), Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 11th January, 1984

AWARD

By Order No. L-20012(243)/81-D.III.A, dated, the 10th November, 1981, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication,

"Whether the action of the management of Barora Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad in superannuating Shrimati Sadmuni Bai, Quarry worker, with effect from the 1st January, 1978 is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the management is that the concerned workman Smt. Sadhmoti Bai was a quarry worker, and, as per the details contained in Form 'B' register and Identity Card Register, her date of appointment was 17th October, 1973, but the column in respect of date of birth/age was blank. The age column of Form 'B' register of various collieries remained blank in respect of some workmen who failed to declare their age/date of birth during the tenure of their service under the old management. The new management constituted a Medical Board to make physical check up of such workmen and determine their age on the basis of general physical examination and medical observations. Determination of age by X-ray method and oscification of bones was not followed as the methods could in no way be more helpful than the general physical and medical test in determining the age of persons above 40 years of age. The concerned workman was also examined by a competent Medical Board in the year 1976 and her age was found to be 58 years. She was asked to put her left thumb impression in the Medical Board register in token of acceptance of age determined by the Medical Board and she put her left thumb impression without any protest and she never complained to the management that the age determined by the Medical Board was not acceptable to her. Accordingly the concerned workman was superannuated in the year 1978 on completion of 60 years of age which is the age of superannuation. On the request of the sponsoring union her left thumb impression was examined by the finger print expert of the Government of Bihar and it was established that she had put her left thumb impression in token of acceptance of her age as 58 years as determined by the Medical Board in 1976. The contention of the management, therefore, is that the concerned workman can have no grievance on her superannuation in the year 1978 on completion of 60 years of age and subsequently she is not entitled to any relief.

3. The case of the concerned workman, on the other hand, is that she was a permanent employee of Barora colliery since before its nationalisation as a quarry worker. The management regularised the quarry workers as late as in October, 1973 but the management did not record her date of birth in the records of the colliery and all on a sudden the Superintendent of Barora colliery by a letter dated 12th October, 1977 intimated her that she would be superannuated with effect from 1st January, 1978. Thereupon she immediately protested by her petition dated 4th November, 1977 addressed to the General Manager, Barora Area No. 1, but when she did not receive any reply from the management, she got herself examined by a Civil Asstt. Surgeon of Baghmara State Dispensary of the Government of Bihar on 2nd July, 1978 who determined her age between 50 and 52 years on the date of check up on 2nd July, 1978 and issued a formal certificate in support of his findings. Thereafter the sponsoring union vide its letter dated 13th February, 1978 represented the matter before the management along with a copy of the said medical certificate in support of the complaint of the concerned workman that she was pre-maturely superannuated by the management which was arbitrary and illegal but, when the union did not receive any reply from the management, it represented the matter before the Assistant Labour Commissioner (Central), Dhanbad vide its letter dated 5th January, 1979 who took up the matter in conciliation with the parties. During the course of conciliation proceedings the management intended to settle the matter amicably and the union accordingly withdrew matter and waited for the management's consideration which again proved unsuccessful due to inaction on the part of the management. Thereupon the union again represented to the Ass'tt. Labour Commissioner (Central), Dhanbad vide letter dated 22nd May, 1980 and again conciliation proceeding started but it ultimately failed leading to the present reference. The management decided about the age of the concerned workman without consulting her or getting her medically examined and at no material period of time gave her any opportunity to get her real age proved. On these grounds the contention of the concerned workman is that the management's action in retiring her pre-maturely with effect from 1st January, 1978 is arbitrary and illegal and she is entitled

to be reinstated with full back wages and allowances as if she was in service.

4. Three witnesses have been examined on behalf of the management and two witnesses have been examined on behalf of the concerned workman and some documents have also been exhibited on either side.

5. Sri P. P. Yadav, MW-1, was the Welfare Officer in Barora colliery in the year 1976. He has deposed that at that time the Form 'B' register of Barora colliery had been checked up and it was found that the dates of birth of several workmen were not recorded therein and it was therefore decided by the management that those workmen whose dates of birth were not recorded in Form 'B' register should be asked to declare their dates of birth and in case from their look and appearance the dates of birth declared by them appeared to be correct the same may be accepted and their dates of birth may accordingly be entered in Form 'B' register and in their identity cards and in the identity card register. He has further deposed that he knows the concerned workman whose date of birth was also not recorded in Form 'B' register or in identity card register which is prepared on the basis of entry in Form 'B' register and in her case also the aforesaid procedure was followed and she appeared before Dr. P. N. Pandey of Barora colliery dispensary on 1st January, 1976 and declared her age to be 58 years in his presence and the doctor also determined her age on that date from her appearance to be 58 years and the same was also accepted by the concerned workman and in token of her acceptance of her age as 58 years on 1st January, 1976 she also put her left thumb impression against the relevant entry in the Medical Board register. He has proved the relevant entry (Ext. M-1) concerning her at serial No. 28 of the Medical Board register on left hand page regarding her name etc. to be in the handwriting of Anjan Kumar Sinha, a clerk of the Personnel Officer's department and on the right hand page regarding her declared age, medically estimated age and accepted age being 58 years, to be in the handwriting of Dr. P. N. Pandey against which there is a thumb impression of the concerned workman which was given in his presence. He has also proved the relevant entry (Ext. M-2) at serial no. 1545 at page 6 of Form 'B' register concerning her in which her date of birth was entered on 1st January, 1918 and her age as 58 years according to the aforesaid entry, Ext. M-1, recorded in the Medical Board register. He has further proved the entry (Ext. M-3) in the identity card register concerning her against identity card No. 206957 at page 88 in which also her date of birth was entered as 1st January, 1918 according to the aforesaid entry Ext. M-1, recorded in the Medical Board register.

6. Dr. P. N. Pandey, MW-2, has deposed that in 1976 he was Medical Officer, Barora Colliery and in that year the concerned workman had declared her age as 58 years before him and according to his estimation also from her look her age was 58 years and in token of acceptance of that age she put her left thumb impression on the Medical Board register. He has also stated that the entries on the right hand side of Ext. M-1 regarding her declared age and his estimation of her age and the accepted age are all in his handwriting.

7. Sri M. K. Singh, MW-3, has been working as Senior Personnel Officer since September, 1980 in Barora Area within which Barora colliery lies. He is a formal witness who has proved certain documents to which I shall presently refer. Ext. M-4 is a copy of the minutes of discussion held on 5-8-80 between the management and the sponsoring union from which it would appear that at the said discussion the genuineness of the left hand thumb impression of the concerned workman Sadhmoti Bai appearing in Ext. M-1 in the Medical Board register was challenged by the sponsoring union on which the management agreed to get it examined by an expert. In pursuance of the aforesaid minutes of discussion the thumb impression appearing in Ext. M-1 in the Medical Board register was sent to the Vigilance Department of M/s. Bharat Coking Coal Ltd. for getting it compared with the admitted thumb impression of the concerned workman by a Finger Print Expert Ext. M-5 is a letter dated 28-5-82 addressed by the D.I.G./Chief Vigilance Officer to the General Manager, Area No. 1, Barora forwarding along with it the original report dated 1-2-82 of the Director, Finger Print Bureau, C.I.D., Govt. of Bihar, Patna, to the effect that the finger print appearing in Ext. M-1 in the Medical register tallied with the finger print of the concerned workman in the bonus register in

Form 'X'. Ext. M-6 is a typed note dated 10-7-82 signed by the Personnel Officer, Barora Area which was endorsed to the General Manager, Barora Area giving the substance of the aforesaid finding of the finger print expert. Below the note there is the order of the General Manager that the union may be intimated accordingly. Ext. M-7 is a letter dated 26-7-82 addressed by the General Manager, Barora Area to the Secretary of the sponsoring union intimating him that the finger print expert had on examination opined that left hand thumb impression in the Medical Board register and in Bonus register in Form 'X' were both of the same person i.e. of the concerned workman Sadhmoti Bai.

7. The concerned workman, Smt. Sadhmoti Bai (WW-1), has, however, given her present age in her evidence on 4-1-84 as only 58 years and she has deposed that she was never asked about her age but she was superannuated in the year 1978 and thereafter this case was initiated through the sponsoring union complaining against her pre-mature superannuation.

8. Sri Basudeb Sarkar (WW-2), who is the other witness examined on behalf of the concerned workman, is a whole time Branch Secretary of East Benodih Section of Barora colliery of sponsoring union since 1973. He has deposed that he knows the concerned workman Smt. Sadhmoti Bai and to his knowledge there was no Medical Board examination of the workers of Barora colliery after its vesting in M/s. Bharat Coking Coal Ltd. for the purpose of determining their age. He has next deposed that after the concerned workman was pre-maturely retired and superannuated in the year 1978 the union took up her cause and initiated conciliation proceeding. He has next deposed that at Baghmara there is a State Govt. Dispensary where there is a Medical Officer of the rank of Civil Asstt. Surgeon and on 2-1-78 the Civil Asstt. Surgeon posted at Baghmara State Dispensary as its Medical Officer had examined the concerned workman and had then granted the certificate dated 2-1-78 which has been marked Ext. W-1 and which is to the effect that in the opinion of the doctor her age on 2-1-78 was between 50 to 52 years. In his cross-examination it has been suggested on behalf of the management that the aforesaid medical certificate was a manipulated one and was not a genuine certificate, which he has, of course, denied.

9. It could thus be noticed that on the side of the management there is an entry (Ex. M-1) in the Medical Board register containing the declared age of the concerned workman as 58 years on 1-1-76 which is also the age assessed by Dr. P.N. Pandey, MW-2, Medical Officer, Barora Colliery and which is also the accepted age entered therein under the thumb impression of the concerned workman. The said Medical Officer, Dr. P.N. Pandey (MW-2) has also been examined by the management and he has pledged his oath in support of the aforesaid entry made by him on 1-1-76. The genuineness of the thumb impression of the concerned workman appearing in Ext. M-1 was challenged by the sponsoring union in the discussion held between the management and the sponsoring union on 5-8-80 (Vide Ext. M-4) whereupon the management had agreed to get the said thumb impression examined by an expert and the management did get it examined by the finger print expert of the Government of Bihar who found that the said finger print appearing in Ext. M-1 tallied with the thumb impression of the concerned workman in the bonus register in Form 'X' about which the Secretary of the sponsoring union was duly informed (Vide Exts. M-5 to M-7). On behalf of the concerned workman, however, only a medical certificate dated 2-1-78 (Ext. W-1) which purports to have been issued by the Medical Officer of Baghmara State Dispensary on the very date of the superannuation of the concerned workman has been filed to the effect that the age of the concerned workman on 2-1-78 was between 50 to 52 years but neither the said Medical Officer of Baghmara State Dispensary has been examined in this case nor the said certificate dated 2nd January, 1978 ever appears to have been placed before the management earlier either during the course of the discussion between the management and the sponsoring union on 5th August, 1980 (Vide minutes of discussion Ext. W-4) or at any time thereafter and in the circumstances no reliance can be placed on the aforesaid certificate dated 2nd January, 1978 (Ext. W-1) which purports to have been issued by the Medical Officer of Baghmara State Dispensary, and on the point of age the evidence adduced on behalf of the management has got to be preferred on whose behalf not

only the entry Ext. M-1 in the Medical Board Register has been proved but Dr. P. N. Pandey (MW-2) Medical Officer, Barora Colliery, who had made the said entry after assessing the age of the concerned workman on 1st January, 1976 as 58 years has also been examined in court, and the doubt which the sponsoring union had tried to throw on the genuineness of the thumb impression of the concerned workman in Ext. M-1 has also been cleared up by the management by getting it examined by the finger print expert of the Government of Bihar. The age of the concerned workman as 58 years on 1st January, 1976 as recorded in Ext. M-1 in the Medical Board Register is, therefore, accepted as correct and that being so she was rightly retired on attaining the age of 60 years on 1st January, 1978 which is the age of superannuation.

10. In the result it is held that the action of the management in superannuating the concerned workman with effect from 1st January, 1978 is justified and the concerned workman is not entitled to any relief. The reference is answered and the award is made accordingly. But in the circumstances of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer
[No. L-20012/243/81-D. III(A)]

New Delhi, the 31st January, 1984

S.O. 490.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Moonidih Project of Messrs Bharat Coking Coal Limited, Post Office Moonidih, District Dhanbad and their workmen, which was received by the Central Government on the 17th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No 54 of 1982.

PARTIES :

Employers in relation to the management of Moonidih Project of Messrs Bharat Coking Coal Limited, Post Office Moonidih, District Dhanbad.

AND

Their Workmen.

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.) Presiding Officer.

APPEARANCES :

For the Employers.—Shri R. S. Morty, Advocate.

For the Workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE . Bihar.

INDUSTRY : Coal.

Dhanbad, the 12th January, 1984

AWARD

By Order No. L-20012(145)/81-D. III(A), dated, the 11th/13th May, 1982, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication.

"Whether the demand of the workmen of Moonidih Project of Messrs Bharat Coking Coal Limited, Post Office Moonidih, District Dhanbad, that S/Shri Shibli Singh, Haradhan Moshif, Gora Chand Mahato, Debnath Rewani, Gunu Roy, P. K. Karen, Mathura Rabidas and Kishundeb Narayan should

be placed in Category-IV as tyndals with effect from the 1st January, 1979 is justified? If so, to what relief are the said workmen entitled?"

2. The case of the concerned workmen, who are eight in number, is that they have been working in Moonidih Project since long with unblemished record of service. Sibbal Singh was originally appointed as permanent time rated miner on 1-4-68 in Cat. V and was transferred to work as a tyndal in the stores in the year 1968. Debnath Rewani, Mathura Rabidas and Gora Chand Mahato, were originally appointed as permanent piece-rated miners on 30-6-69, 1-4-73 and 3-5-74 respectively in Group V and as per NCWA-II in Group VA and they were transferred to the stores to work as tyndals with effect from 9-7-76, 9-7-76 and 11-7-76 respectively. Pratulla Karan and K. D. Narain were appointed originally as permanent piece rated miners on 1-4-74 in Group V and after completion of vocational training imparted by the management they were transferred to the stores to work as tyndals with effect from 1-5-74. Haradhan Moshif and Gunu Roy were originally appointed as piece rated miners in Group V on 20-4-70 and 9-7-70 respectively and they were transferred to stores to work as tyndals with effect from 9-7-76 and 9-7-70 respectively. All the concerned workmen thus started working as tyndals with effect from their respective dates of transfer to work in the stores but the management illegally and arbitrarily and in violation of the mandatory provisions of section 9A of the Industrial Disputes Act, 1947 started paying them Cat. I wages of general mazdoors. The concerned workmen repeatedly requested the management to regularise theirs as tyndals and pay them wages of Cat. IV applicable to tyndals but without any effect. The management, however, transferred five other workmen, namely, Lakhan Bhuiya, Jugal Mahato, Moti Das, Daulat Saw and Ram Deo Singh to stores on 4-11-78 and regularised them as tyndals with effect from 1-1-79 in Cat. IV, and thus the management regularised the junior workmen as tyndals by superseding the concerned senior workmen. After regularisation of the aforesaid five workmen as tyndals, the concerned workmen represented before the management by drawing its attention to the fact that the above-named five workmen were junior to them and they were also performing the same and similar job as the concerned workmen have been performing after their joining in the stores and hence the concerned workmen should also be regularised as tyndals with effect from 1-1-79 in Cat. IV as had been done by the management in respect of the above named five other workmen, but the management refused to settle the issue amicably. Seeing no other alternative, the sponsoring union raised this dispute before Asstt. Labour Commissioner (C), Dhanbad, but the conciliation proceeding ended in failure due to the adamant attitude of the management leading to the present reference. The contention of the concerned workmen is that the action of the management in not paying the same and similar wages to the concerned workmen as tyndals at par, with the above-named five other workmen for performing the same and similar job was illegal, arbitrary and against the settled principles of law. The demand of the concerned workmen is that they too should be regularised as tyndals in Cat. IV with effect from 1-1-79 from which date the other five workmen have been regularised as tyndals in Cat. IV.

3. The case of the management, on the other hand, is that Sibbal Singh was originally appointed in Moonidih Project with effect from 1-4-68 as a miscellaneous mazdoor in Cat. I daily rated and he has been working in that capacity since then. Debnath Rewani, Mathura Rabidas and Gora Chand Mahato were originally appointed as piece-rated miners on 30-6-69, 17-3-75 and 3-5-74 respectively in Group IV applicable to them at the time of their appointment which corresponds to Group VA under NCWA-I and II. But it is not correct to say that they were transferred to stores to work as tyndals with effect from 9-7-76, 9-7-76 and 11-7-76 respectively, and the factual position is that since the work of piece rated miners is arduous and they have to work under difficult conditions in the underground section of the mine in shifts round the clock, a good many of them prefer time rated lighter job on surface even if it means less of earning to them, and these three

workmen similarly desired that they should be posted on surface jobs as Cat. I mazdoors and their request was accepted by the management, and they were accordingly posted in that capacity in the collier stores with effect from 23-9-76, 1-11-78 and 20-9-76 respectively. Pratulla Karan and K. D. Narain were originally appointed as miscellaneous mazdoors in Cat. I with effect from 2-5-74 and 1-4-74 and they were never appointed as piece rated miners nor they were transferred to stores to work as tyndals. Gunu Roy is also a Cat. I mazdoor. Haradhan Moshif was also a Cat. I mazdoor who has since been promoted to the post of clerk in Grade III in the year 1981. According to the management, therefore, out of the eight concerned workmen, five, namely, Sibbal Singh, Haradhan Moshif, Gunu Roy, P. K. Karan and K. D. Narayan were originally appointed as Cat. I mazdoors out of whom Haradhan Moshif has since been promoted to the post of clerk Grade III in 1981 and the remaining three, namely, Debnath Rewani, Mathura Rabidas and Gora Chand Mahato who were originally appointed as piece rated miners were on their own request transferred to the stores to work in the lighter job of Cat. I mazdoor. On the other hand, the other five workmen, namely, Lakhan Bhuiya, Jugal Mahato, Moti Das, Daulat Saw and Ram Deo Singh were piece rated miners in Group VA in the underground mine of Moonidih Project and in 1976 the management found some miners were surplus in the underground section of the mine and in the process of deployment of surplus miners these five piece rated miners in daily rated Cat. IV as tyndals were done by the management they were allowed to draw Group VA wages applicable to them and they were then entrusted with the job of tyndals for which Cat. IV daily rated wages is payable. Another union, namely, the Rashtriya Colliery Mazdoor Sangh took up with the management as early as in 1980 the question of regularisation the aforesaid five piece rated miners as tyndals in daily rated Cat. IV on the basis of nature of jobs actually performed by them and the matter was negotiated and a settlement was arrived at which provided for the placement of these five piece rated miners in daily rated cat. IV as tyndals with effect from 1-1-79 which was given effect to. It is denied by the management that the concerned workmen and the other five who have been regularised as tyndals are or were performing the same or similar job. According to the management, therefore, the demand of the concerned workmen for placing them in Cat. IV as tyndals with effect from 1-1-79 has neither any substance nor merit and it is liable to be rejected. The management has also taken a preliminary objection regarding maintainability of the present reference after the Central Govt in the Ministry of Labour had earlier declined to make the present reference vide their letter dated 17-8-81.

4. One witness has been examined and some documents have been exhibited on either side.

5. Sri Kishundeb Narayan (WW-1) is one of the concerned workmen. He has deposed that except Sibbal Singh and Haradhan Moshif all the other concerned workmen were appointed as piece rated miners. He has further deposed that he had P. K. Karan appointed as piece rated miner in April 1974 and had jointly taken vocational training as miner and after receiving one month's vocational training both of them were sent to stores to work as tyndals. According to him, Gora Chand Mahato, Debnath Rewani and Gunu Roy were appointed as piece rated miners prior to him and Mathura Rabidas was appointed as piece rated miner after him and they worked for a long time as piece rated miner in the mines and thereafter they were also sent to the stores to work as tyndals and when he had been sent to the stores in May, 1974 to work as tyndals he had found Gunu Roy, Sibbal Singh and Haradhan Moshif also already working there as tyndals out of whom Haradhan Moshif was subsequently promoted as clerk about two years back and transferred to some other office of Moonidih Project. It is further his evidence that though the concerned workmen have been working in stores as tyndals they are being paid only the wages of Cat. I mazdoor though except Sibbal Singh and Haradhan Moshif all of them were initially appointed as piece-rated miners. It is further his evidence that five other workmen, namely, Lakhan Bhuiya, Jugal Mahato, Moti Das, Daulat Saw and Ram Deo were also initially appointed as piece rated miners

and they too were sent to the stores to work as tyndals who are still working with the concerned workmen as tyndals but these five other workmen have been regularised as tyndals and are being paid Cat. IV wages with effect from 1-1-79, but the concerned workmen have not been regularised as tyndals in Cat. IV and they are still being paid wages of Cat. I mazdoors although those five came to the stores to work as tyndals about two years after he was sent there in May, 1974 to work as tyndals. According to him the concerned workmen have been doing the same work in the stores as the above-mentioned five workmen who have been regularised as tyndals. It is next his evidence that the concerned workmen along with the above-named five other workmen who have been regularised and given Cat. IV pertaining to tyndals are all required to unload gutters, channels, iron props and similar other heavy materials from the railway wagons or trucks and to carry them to the stores and sometime to load the materials of the stores in wagons or trucks. According to him, the demand of the concerned workman is that since the above-named five workmen, who work with the concerned workmen as tyndals and are performing the same duties as performed by the concerned workmen, have been regularised as tyndals and given Cat. IV wages with effect from 1-1-79, the concerned workmen should also be regularised as tyndals and given Cat. IV wages with effect from that date and the concerned workmen should not be discriminated against. In his cross-examination he has denied the suggestion made on behalf of the management that the concerned workmen have all along been doing the work of mazdoors whereas only those five who have been regularised as tyndals have been doing the work of tyndals in the stores.

6. Sri B. C. Ghose (MW-1) had joined Moonidih Project as under manager in the year 1965 and thereafter joined as Asstt. Controller of stores in the year 1976 and in the year 1980 he became Senior Stores Officer on which post he is still continuing. He has deposed that Moonidih Project formerly belonged to N.C.D.C. and it was transferred to M/s. Bharat Coking Coal Ltd. sometime in the year 1965. He has next deposed that out of the eight concerned workmen, Haradhan Moshif is now no longer working in the stores as he has been promoted as clerk since sometime in the year 1981 but the rest of the concerned workmen are working as mazdoors since the time of their posting in the stores and they are not working as tyndals. According to him, after a workman is trained as a piece rated minor it is not necessary that he should be posted as piece rated minor. It is further his evidence that Gora Chand Mahato, Debnath Rewani and Mathura Rabidas, who were initially appointed as piece rated miners, had subsequently applied for lighter job of mazdoors in stores and Gunu Roy and P. K. Karan were originally appointed as piece-rated miners and were sent for training but during the course of training they were not found suitable to work as piece-rated miners and hence they were posted as general mazdoors in stores. He has further denied that P. K. Karan or Krishnadeb Narayan were after being given training as piece rated miner posted in the stores as tyndals. He has further denied that Gunu Roy, Gora Chand Mahato, Debnath Rewani, Siblal Singh and Haradhan Moshif were posted in the stores to work as tyndals. He has further denied that the eight concerned workmen have been doing the same type of job as is being done by the five others who have been regularised as tyndals. He has further denied that the concerned workmen are required to unload heavy gutters, channels, iron props and such other heavy materials from railway wagons and trucks or carry them to the stores. It is next his evidence that Lakhman Bhuiya, Jugai Mahato, Moti Das, Daulat Saw and Ram Deo Singh were also originally appointed as piece rated miners but they were subsequently posted in the stores without changing their designation as piece rated miners since they were found surplus in the underground and when they were posted in the stores their minimum wages as piece rated miners were protected by the management and in the stores they were doing the work of tyndals. According to him when a piece rated miner himself applies for a lighter job and is consequently appointed as general mazdoor he is not entitled to protection of his minimum wages as piece rated miner but if the management of its own accord sends a piece rated miner to work as general maz-

door it protects the minimum wages of that worker as a piece rated miner. According to him there is a mobile crane exclusively meant for the stores which is used for handling materials weighing more than 500 kgs., and the tyndals handle materials from 100 kgs. to 500 kgs. and a mazdoor handles small material weighing 5 kgs. 10 kgs. or 15 kgs or so. In his cross-examination he has stated that there is no record available in order to show that Gunu Roy, Gora Chand Mahato and Debnath Rewani had prayed to the management for being given lighter job nor does he remember if the person giving the training had submitted any report regarding unsuitability of P. K. Karan and K. D. Narayan to work as miners. According to him, before he joined the stores there were only four tyndals in the stores whose names are Katan Singh, Beenu Singh, Bhajan Singh and Gurudayal Singh out of whom three, namely Bechu Singh, Bhajan Singh and Gurudayal Singh were subsequently transferred to other section, and, after their transfer, Kelo Bouri, Kamchandia Rabidas and Nandalal Rewani who were Cat. I mazdoors were regularised as tyndals, and prior to the regularisation of Lakhman Bhuiya, Jugai Mahato, Moti Das, Daulat Saw and Ram Deo Singh as tyndals the total strength of tyndals was only 4, and K. D. Narayan, Siblal Singh and Prafulla Karan were working in the stores prior to the joining of the above-named five persons in the stores who were subsequently regularised as tyndals. He has further stated in his cross-examination that P.V.C. belts are unloaded with the help of crane and tyndals and four tyndals are required for unloading P.V.C. Belts with the help of crane and 3 to 4 tyndals are required for collection of diesel drums. According to him, packages received from Poland are unloaded from wagon with the help of crane and 2, 3 or 4 tyndals and about 4 to 6 tyndals along with a crane will be required for collecting conveyors. It is also his evidence that iron rods, pipes and garters are also received in wagon's and unloaded at the railway station with the help of crane and tyndals and other heavy materials received in trucks or from Transport Agencies are also loaded and unloaded at the stores with the help of crane and tyndals. He has also proved certain documents which I shall presently consider along with other documents exhibited on either side.

7. Before considering the documents exhibited on either side, it is pertinent to mention that the workmen by their petition dated 4-5-83 had called for from the management job distribution registers and overtime registers of main store for the years 1974 to 1980 but the same have not been produced by the management and the management by its petition dated 11-8-83 replied that no job distribution register of main stores are being maintained or were maintained at any time and the overtime registers, though maintained are not available for the years 1974 to 1980 as they are not preserved for such a long time.

8. Exts. M-1 to M-4 and M-8 to M-10 are attendance registers for the years 1975 to 1982 in respect of time-rated workers in which the names of the concerned workmen appear and in some of those registers the names of the workmen who have subsequently been regularised as tyndals also appear. Exts. M-5 to M-7 are attendance registers in respect of piece-rated workers for the year 1978 in which also the names of some of the concerned workmen appear along with the five others, who were subsequently regularised as tyndals. Exts. M-12 to M-19 are Service Cards in respect of the concerned workmen in which Siblal Singh, Haradhan Moshif, Gunu Roy, P. K. Karan, and K. D. Narayan have been shown as miscellaneous mazdoor in Cat. I with a note in the Service Card of Haradhan Moshif that he has been promoted to the post of clerk Grade III with effect from 1-4-1981. So far Gora Chand Mahato is concerned he has been shown to have been re-designated as miscellaneous mazdoor in Cat. I and Debnath Rewani has been shown to have originally joined as piece-rated miner in Group IV on 30-6-69 who was made miscellaneous mazdoor in Cat. I on 23-9-76 and Mathura Rabidas is shown to have joined on 17-3-75 as piece rated miner who was subsequently converted into time-rated miscellaneous mazdoor in Cat. I with effect from 1-1-1978. Exts. M-20 to M-24 are Service Cards in respect of the other five workmen, namely Jugai Mahato, Moti Das, Lakhman Bhuiya, Ram Deo Singh and Daulat Saw who were subsequently regularised as tyndals and in those service cards all of them have been shown to have

been converted from piece-rated miners to time-rated mazdoors in Cat. I and subsequently regularised in Cat. IV as tyndals with effect from 1-1-79 out of whom Daulat Saw was subsequently dismissed on 26-9-76. Ext. M-25 is a statement prepared by Sri B. C. Ghose (MW-1), under his signature, containing extracts from the Service Records of the eight concerned workmen and five others named above who were subsequently regularised as tyndals. The said statement gives the dates of their initial joining and categories with subsequent re-designation of their categories and posting with certain remarks. It shows that the concerned workmen Gorachand Mahato and Debnath Rewani were appointed as piece-rated miners prior to the joining of the other five workmen as piece-rated miners who have been subsequently regularised as tyndals. Mathura Rabidas was appointed as piece-rated miner prior to the appointment of Lakhman Bhuiya as piece-rated miner who has been regularised as a tyndal. It further shows that the rest of the concerned workmen were appointed as mazdoors in Cat. I and they have been working as such in stores. Ext. M-26 is a settlement dated 11-2-80 arrived at between the management and the another union, namely, the Rashtriya Colliery Mazdoor Sangh by which the five other workmen, namely, Lakhman Bhuiya, Jugal Mahato, Moti Das, Daulat Saw and Ramdeo Singh were regularised as tyndals in Cat. IV with effect from 1-1-1979.

9. Ext. W-1 and W-3 are letters of appointment dated 2-4-78 in respect of the concerned workmen Gora Chand Mahato and P. K. Karan temporarily selecting them for the post of piece-rated miners to be appointed as piece-rated miners in Group IV on their being found suitable for the job after training. Ext. W-2 is a letter of appointment dated 10-6-70 in respect of the concerned workman Gunu Roy selecting him for drifting work in the shaft mine for being appointed as piece-rated miner in Group IV if it found suitable after vocational training. Ext. W-4 is an order dated 2-1-1976 transferring Moti Das, Lakhman Bhuiya and Jugal Mahato who have been subsequently regularised as tyndals along with the concerned workmen Mathura Rabidas to the stores. Ext. W-5 is an office order dated 22-9-76 by which the concerned workman Debnath Rewani, a piece-rated miner was informed that he had been re-designated as miscellaneous mazdoors in Cat. I with effect from 1-10-76. Ext. W-6 is an Office Order dated 11-11-78 by which the five other workmen who have been subsequently regularised as tyndals were informed along with the concerned workman Mathura Rabidas that they had been converted into Cat. I general mazdoors and posted in the stores with effect from 1-11-78. Ext. W-7 is an Office Order dated 12-2-80 by which the five other workmen, namely, Lakhman Bhuiya, Jugal Mahato, Moti Das, Daulat Saw and Ram Deo Singh in Cat. I working as tyndals in the stores were regularised in Cat. IV on the recommendations of the Departmental Promotion Committee with retrospective effect from 1-1-79. Ext. W-8 to W-34 are overtime slips. Ext. W-35 is a register showing the place of working of the concerned workman as well as the five other workmen who have been regularised as tyndals and Ext. W-36 is overtime register.

10. The concerned workmen claim that they should be regularised as tyndals in Cat. IV with effect from 1-1-79 from which date the other five workmen named Lakhman Bhuiya, Jugal Mahato, Moti Das, Ram Deo Singh and Daulat Saw have been regularised as tyndals in Cat. IV as the concerned workmen have also been doing the same work of tyndals in the stores as the above named five other workmen have been doing and that they should not be discriminated against and paid the wages of general mazdoors in much lower category-I when they are doing the same type of job as the other five workmen who too were formerly general mazdoors in Category-I and who have since been regularised as tyndals in Cat. IV with effect from 1-1-79. It was precisely for determining the nature of job performed by the concerned workmen and the job performed by the other five workmen who have been since regularised as tyndals in Cat. IV that the workmen by their petition dated 4-5-83 had called for from the management the job distribution registers and overtime registers of the main store for the period 1974 to 1980 but the management did not file the same and submitted by its petition dated 11-8-83 that no job distribution

registers for the main store is maintained and so far as overtime registers of the main stores for the period 1974 to 1980 is concerned the same are not available as they are not preserved for such a long period. Therefore, on the management's side there is no document to show the type and nature of jobs performed by the concerned workmen and by the other five workmen who have since been regularised as tyndals. Therefore one has to fall back upon the overtime slips, Exts. W-8 to W-34, and the register, Ext. W-35, showing the places of working of the concerned workmen and the other five workmen who have been regularised as tyndals and the overtime register, Ext. W-36, which have been filed by the workmen and which are the only documents relevant to the point under consideration regarding the nature of job performed by the concerned workmen and by the five other workmen who have since been regularised as tyndals.

11. Ext. W-35 is the register showing the places of working of the concerned workmen and the other five workmen who have since been regularised as tyndals. That register shows that the places of working of the concerned workmen were very often the same as the places of working of the five other workmen who have been since regularised as tyndals. Exts. W-8 to W-34 are overtime slips and Ext. W-36 is overtime register which show that the concerned workmen were employed along with the other five workmen who have since been regularised as tyndals on overtime duties pertaining to tyndals. For example, Ext. W-8 shows that the concerned workman Sibbal Singh and Gora Chand Mahato were employed along with the tyndal Kalu Bouri and Lakhman Bhuiya who has since been regularised as tyndal for un-loading and stacking of diesel drums received from I.C.L., Dhanbad on 6-8-79. Similarly Ext. W-9 shows that the concerned workman Debnath Rewani was employed on overtime duty on 23-1-80 along with Moti Das, Lakhman Bhuiya and Jugal Mahato who have been regularised as tyndals for collection of diesel from D.G. Project, Jealgora. Ext. W-11 shows that on 18-12-79 the concerned workman Gunu Roy was engaged along with Jugal Mahato who was subsequently regularised as tyndal for un-loading of truck (conveyor belt) received from Calcutta. Ext. W-12 shows that on 9-5-80 the concerned workman Gunu Roy was engaged on overtime duty for un-loading of P.V.C. belt at Moonidih and in that Ext. W-12 Gunu Roy has also been designated as tyndal. Ext. W-16 shows that on 10-8-79 the concerned workman Debnath Rewani was engaged on overtime duty along with Daulat Saw and Ramdeo Singh who were regularised as tyndals for loading and unloading of Polish consignment from Kirkend Station to Moonidih Project. Ext. W-17 shows that on 9-8-79 the concerned workman Debnath Rewani was engaged on overtime duty along with Lakhman Bhuiya, Daulat Saw and Ram Deo Singh who were regularised as tyndals for transporting of Polish packages. Ext. W-23 shows that on 24-5-78 the concerned workman Gunu Roy was engaged along with others for collection of conveyor from Toyabad Regional Store. Ext. W-24 shows that on 5-3-81 the concerned workmen Jugal Mahato, Debnath Rewani and Gunu Roy were engaged along with Ramdeo Singh and Jugal Mahato who were regularised as Tyndals for transporting cement from Dhanbad Rly. Station to the stores in ten trucks and for unloading the same in the godown. Ext. W-27 shows that on 22-8-78 the concerned workmen Gunu Roy, K. D. Narayan, Haradhan Moshif and Debnath Rewani were engaged along with Daulat Saw and Ram Deo Singh who were regularised as tyndals and other tyndals for transporting Polish packages from Kirkend Railway Station to store side. Ext. W-28 shows that on 27-8-81 the concerned workman Gunu Roy was engaged along with Ram Deo Singh who was regularised as tyndal for unloading Polish packages at Kirkend railway Station. Ext. W-30 shows that for cutting rod and transporting the same from Kirkend Railway Station to Moonidih Store the concerned workman Debnath Rewani was engaged along with Jugal Mahato and Lakhman Bhuiya who were regularised as tyndals. The examples can be multiplied. Sri B. C. Ghose, MW-1, is the Senior Store Officer of Moonidih Project and his evidence is that a mobile crane is used for handling materials weighing more than 500 Kgs. and the tyndals handle materials from 100 Kgs. to 500 Kgs. and a mazdoor in Cat. I handles small materials weighing 5 Kgs., 10 Kgs., or 15 Kgs. or so. He has further stated that P.V.C. belts are unloaded with

the help of crane and tyndals and 3 to 4 tyndals are required for unloading P.V.C. belts with the help of crane and 3 to 4 tyndals are required for collection of diesel drums. According to him, packages received from Poland are unloaded from wagon with the help of crane and 2, 3 or 4 tyndals; and about 4 to 6 tyndals along with a crane will be required for collecting conveyor. It is also his evidence that iron rods, pipes and garters are also received in wagons and unloaded at the railway station with the help of crane and tyndals and other heavy materials received in trucks or from Transport Agencies are also loaded and unloaded at the stores with the help of crane and tyndals. The above overtime slips clearly support the contention of the concerned workmen that they are being actually employed as tyndals for loading and unloading heavy materials like P.V.C. belts, Polish packages, conveyors, iron rod etc. from railway wagons or trucks and they are not engaged only in handling small materials weighing 5 Kgs., 10 Kgs., or 15 Kgs. which are handled by general mazdoor in Cat. I. In the circumstances, there is no reason why the concerned workmen who are presently treated by the management as miscellaneous mazdoors in Cat. I should also not be regularised as tyndals in Cat. IV with effect from 1-1-79 from which date the other five workmen, namely, Lakhman Bhuiya, Jugal Mahato, Moti Das, Ram Deo Singh and Daulat Saw, who too were earlier converted into Cat. I general mazdoors and posted in the stores with effect from 1-1-78 along with the concerned workman Mathura Das by Office Order dated 11-11-1978 (Ext. W-6), have been regularised as tyndals in Cat. IV under the settlement dated 11-2-80 (Ext. M-26) and the Office Order dated 12-2-80 (Ext. W-7) with retrospective effect when all of them appear to be doing the same type of loading, unloading and moving of heavy materials pertaining to the work of tyndals. Out of the eight concerned workmen, however, Haradhan Moshif has since been admittedly promoted as a clerk in Grade III with effect from 1-4-81 (Vide Ext. M-3) and his case was, therefore, not pressed by Sri D. Mukherjee on behalf of the concerned workman. But the remaining seven concerned workmen, namely, Sibbal Singh, Gorachand Mahato, Debnath Rewani, Gunu Roy, P. K. Karan, Mathura Rabidas and Kishundeb Narayan are undoubtedly entitled to be regularised as tyndals in Cat. IV with effect from 1-1-79 from which date the other five workmen, namely, Jugal Mahato, Moti Das, Lakhman Bhuiya, Ramdeo Singh and Daulat Saw doing the same type of work of tyndals have been regularised with retrospective effect as tyndals in Cat. IV on the principle of equal pay for equal work enunciated by the Supreme Court in the case of Rardhir Singh Vs. Union of India and others (1982 Lab. I.C. 806).

12. A preliminary objection has also been taken by the management regarding maintainability of the present reference after the Central Government in the Ministry of Labour had earlier declined to make the reference vide their letter dated 17-8-81 (Ext. M-11). This point, however, appears to have been settled by the Supreme Court in the case of M/s. Western India Match Company Limited Vs. The Western India Match Co. Workers' Union (1970) (II) L.L.J. 256 and Avon Services Production Agencies (P) Ltd. Vs. Industrial Tribunal, Haryana and others (1978) 53 FJR.341 in which it has been held that in the light of the nature of function of the Government and the object for which the power is conferred on it, it would be difficult to hold that once Government has refused to refer, it cannot change its mind on re-consideration of the matter either because new facts have come to light or because it had mis-understood the existing facts or for any other relevant consideration and decided to make the reference and that it is not possible to accept the submission that if the Government had on an earlier occasion declined to make a reference, unless it be shown that there was some fresh or additional material before the Government, the second reference would be incompetent. In view of the aforesaid Supreme Court decision there is no merit in the aforesaid preliminary objection raised on behalf of the management which is rejected.

13. In the result it is held that the demand of the workmen that Sibbal Singh, Gora Chand Mahato, Debnath Rewani, Gunu Roy, P. K. Karan, Mathura Rabidas and Kishundeb Narayan should be placed in Cat. IV as tyndals with effect from 1-1-1979 is justified and it is directed that they be placed in Cat. IV as tyndals with retrospective effect

from that date with all arrears of back wages. The reference is decided and the award is made accordingly. But in the circumstance of the case there will be no order as to cost. No award is given in respect of Haradhan Moshif who has been promoted to the post of clerk Grade III with effect from 1-4-1981 and whose case has not been pressed on behalf of the workmen.

MANORANJAN PRASAD, Presiding Officer,
[No. L-20012/145/81-D.III(A)]

S.O. 491.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Messrs Bharat Coking Coal Limited, Koyala Bhawan, Post Office Koyala Nagar, District Dhanbad and their workmen, which was received by the Central Government on the 23rd January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESIDENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 36 of 1982

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Messrs Bharat Coking Coal Limited, Koyala Bhawan, P.O. Koyala Nagar, District Dhanbad and their workmen.

APPARANCES :

On behalf of the employers—Shri I. B. Pandey, Addl. Chief Personnel Manager (IRW and M.P.R.) and Shri K. C. Nandkeolyar, Dy Chief Personnel Manager (O) W.

On behalf of the workmen—Shri G. D. Pandey, Secretary, R.C.M.S., Dhanbad.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 18th January, 1984

AWARD

This is a reference under section 10 of the I. D. Act, 1947. The Central Government by its order No. L-20012 (405)/81-D.III(A) dated 13th April, 1982 has referred this dispute to this Tribunal for adjudication on the following terms :—

SCHEDULE

“Whether the demand of the workmen of Messrs Bharat Coking Coal Limited, Koyala Bhawan, Post Office Koyala Nagar, District Dhanbad that the workmen listed in the annexure below should be departmentalised as Sweepers under the Bharat Coking Coal Limited management and should be paid Category-I wages from the date of their employment is justified? If so, to what relief are the workmen concerned entitled?”

ANNEXURE

1. Shri Ramji Harijan
2. Shri Mathura Harijan
3. Shri Jaldhari Harijan
4. Shri Thambhi Rabidas
5. Shri Bigan Rabidas
6. Shri Prema Das
7. Shri Jhalo Das
8. Shri Jagarnath Das
9. Shri Haril Das
10. Shri Jitan Das
11. Shri Baldeo Das

12. Shri Bhidhan Das
13. Shri Mushi Das
14. Shri Hardeo Hari
15. Shri Balmiki Hari
16. Shri Bandhan Das.

Soon after the receipt of the order of reference, notices were duly served upon the parties. Both the parties appeared and after several adjournments filed their written statement and rejoinders. The reference proceeded along its course. When this case was fixed on 7-1-84 both the parties appeared and submitted that this case is under process of settlement so one more date be given. Accordingly this Tribunal accepted their prayer and fixed this case on 10-1-84. On that date both the parties appeared and filed a memorandum of settlement. I find that the terms of settlement are fair and proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of settlement which will form part of the Award as Annexure.

This is my Award.

I. N. SINHA, Presiding Officer
[No. I-20012/405/81-D.III(A)]

ANNEXURE

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF BCCL AT KOYLA BHAWAN, DHANBAD AND THEIR WORKMEN REPRESENTED BY RASHTRIYA COLLIERY MAZDOOR SANGH ON 29-7-1983

PRESENT :

Management : Union :

1. Sri I. B. Pandey. Addl. CPM (IRW & MPR).	1. Shri G. D. Pandey. Secretary, R.C.M.S.
2. Shri K. C. Mandkeolyar Dy CPM (O) W.	

Short Recital of the Case

The union namely RCMS spoused the case of sweepers engaged in the job of cleaning and sweeping at Koylanagar Township for their departmentalisation and payment of wages as per NCWA-II. The case, having ended in failure before the ALC(C), was referred to Central Government Industrial Tribunal No. II at Dhanbad for adjudication and was numbered as reference No. 36/82.

The terms of reference have been laid down in the order No. I-20012(405)/81-D.III(A) dated 8/13 April, 1982 issued by Sri AVS Sharma, Desk Officer, wherein the case of Sri Ramji Harijan and 15 others have been referred for adjudication to Tribunal No. II. The matters, in the meantime came up before the Joint Committee of the management and union for an amicable settlement of the dispute with a view to maintain Industrial peace and harmony. The matter, having been discussed on several dates, has been settled amicably on the terms mentioned as herein below :—

Terms of Settlement

1. That it is agreed that S/Shri Ramji Harijan and 15 others sweepers of Koylanagar will be taken into employment on company's rolls w.e.f. the date they report for duty, following the instant settlement. The workmen must report for duty within 15 days of signing of the settlement along with an affidavit and two copies of Pass-port size photograph with name, parentage home address and date of birth appearing on the chest.
2. That the workmen concerned in the case, when appointed after proper verification, as may be deemed fit by the management and medical examination, will be entitled to the minimum of Cat. I wages of NCWA-II.
3. That since the matter has been settled amicably, any question of payment of any dues or arrears whatsoever, prior to the date of settlement shall not arise.
4. That the settlement shall be registered under rules 58(4) of the I.D. (Central) Rules, 57.

5. That the parties agreed to jointly file copies of the settlement before the Presiding Officer CGIT No. II requesting for holding the terms of settlement as fair and passing an award in terms of this settlement.

6. That there will be no further claim, whatsoever, in respect to any money by way of remuneration/wages or otherwise for the period prior to the date of settlement and this settlement shall not be cited as precedent for any other regularisation, even if similar nature in future.

7. That management shall be at liberty to verify the genuineness of all or any of the workmen concerned and that in case of any discrepancy found at any stage the management shall take any action deemed fit including stoppage from work and legal action against the persons concerned.

Management's Representative :

1. I. B. Pandey, Addl. Chief Personnel Manager (IRW&MPR)
2. K. C. Mandkeolyar
Dy Chief Personnel Manager (O) W.

Union's Representative :

1. G. D. Pandey
Secretary, R.C.M.S.

WITNESSES :

- 1.
- 2.

S.O. 492.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Kharkharee Colliery of Messrs Bharat Coking Coal Limited, Post Office Kharkharee, District Dhanbad and their workmen, which was received by the Central Government on the 30th January, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 78 of 1982

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Kharkharee Colliery of M/s. Bharat Coking Coal Limited, P.O. Kharkharee, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri B. Oishi, Advocate.
On behalf of the workmen—Shri B. K. Ghose, Member Executive Committee, Janta Mazdoor Sangh.

STATE : Bihar,

INDUSTRY : Coal.
Dhanbad, 17 h January, 1984

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its order No. I-22012(80)/82-D.IIIA dated 9th July, 1982 has referred this dispute to this Tribunal for adjudication on the following terms :—

SCHEDULE

“Whether the demand of the workmen of Kharkharee Colliery of Messrs Bharat Coking Coal Limited, Post Office Kharkharee, District Dhanbad for reinstatement of Sarvashri Jyotilal Mahato, Jeevan Napit, Hublal Mahato, Satish Patmanik, Jeetan Napit, Kisto Kumhar, Gopi Gope and Sunder Napit, Mazdoors is justified ? If so, to what relief are the workmen concerned entitled ??”

The case of the concerned workmen is that they were working at Kharkharae Colliery mainly as Stone cutters and occasionally as Stowing Mazdoors/Tyndal Mazdoor from 1976. At first they were appointed in Incline No. 17 of Kharkharae Colliery in which there were 2 sections—top and bottom section. They used to work as Stone Cutters in both the sections. They were appointed by the Manager of the Colliery and payment of their wages was made by measurement through Colliery Office. The work used to be allotted to them every day by the Mining Sirdar and their work was also supervised by the Mining Sirdar. The stoppage from their work was ordered by the management after an accident which took place on 6-12-79 due to fall of roof at the worksite of the concerned workmen causing fatal injury to one of their colleague Shri Kisto Thakur and injuries to S/Shree Jivan Napit, Jitan Napit and Satish Napit. Shri Jivan Napit and Satish Napit were sent to Central Hospital at Dhanbad and Shri Jitan Napit was sent to Area No. III Hospital at Govindpur for the treatment. The job of stone cutting, stowing and Tyndal are the jobs of permanent nature and there is no reason for the management to stop the concerned workmen from work and the action of the management in stopping their work is illegal and unjustified. The work of underground stone cutting is a prohibited category work and there can be no bonafide contract system for the said job. The job of stowing mazdoors and cleaning mazdoors and Tyndal Mazdoors are departmental jobs of permanent nature and there can be no contract system for these jobs.

The case of the management is that Stone cutting work is not the work of permanent and continuous nature and it always used to be carried on by the Contractors who used to obtain contract at different collieries at different periods of time and after execution of their contract, the contractor used to receive payment from the collieries and the contractor used to make payment to their workers who were employed by the contractors temporarily or on casual basis. After nationalisation of Coal Mines the contract system of stone cutting work was stopped and the stone cutting work was carried on by the Company's workmen. Since then the work of stone cutting was done by the permanent stone cutters only and they were provided with Bonus Card, Identity Card and Wage Slip etc. to indicate their employment under B.C.C. Ltd. All those persons who go underground are marked in the Attendance Registers maintained in Form C. Shri Bans Narayan Singh was one of the contractor of B.C.C. Ltd. for the purpose of White Washing and Cleaning. He used to be given some civil contract work of petty nature as and when required on causal basis. The Civil construction work done by the contractors were purely of casual and temporary nature and no contractor could be appointed permanently for such jobs. Shri Bans Narayan Singh Contractor had engaged some Mason and Mason Mazdoor on causal basis from time to time whenever he was given contract to do such type of job. Shri Jotilal Mahato, Jeevan Napit, Hubbal Mahato, Sunder Napit and Satish Paramanik out of the concerned workmen worked as Contractors worker under Shri Bans Narayan Singh on temporary and casual basis. Shri Jeetan Napit, Kisto Kumhar and Gopi Gope out of the concerned workmen did not work either under the Contractor or as departmental labourers at any time. The Surveyor used to prepare the bills of the Contractor on the basis of measurement and payment orders were passed on the basis of measurement and thereafter payment was made to the Contractor. The contractors men used to get their wages from the contractor under whom they were working out of the bills received by the Contractors from time to time. Present dispute was raised taking advantage of an accident which caused fatal injury to Kisto Thakur and injuries to others who were contractors workers engaged in cleaning jobs and white washing jobs. There is no question of stopping the concerned persons from the duties after the accident, as the concerned workmen were not stone cutters, stowing mazdoors or Tyndal. There was no question of stopping them from their duties by the management. There was never any relationship of employer and employee between the management and the concerned workmen and as such they cannot claim for employment continuously or regularly under the Contractor or the management.

The management has examined 2 witnesses and the workmen have also examined 2 witnesses. Some documents have also been exhibited on either side. The con-

cerned workmen have exhibited 3 documents. Ext. W-1 is photostat copy of discharge certificate issued by the Central Hospital, Dhanbad to Shri Jivan Napit showing that Jivan Napit was treated in the hospital from 6-12-79 and discharged on 11-12-79. Ext. W-2 is photostat copy of outdoor token for treatment of Shri Jitan Napit at Govindpur Area Hospital showing that Jitan Napit was being treated from 8-12-79. Ext. W-3 is another photostat copy of discharge certificate issued by the Central Hospital Dhanbad to Shri Satish Napit showing that Satish Napit was treated of multiple lacerated wound in the hospital from 6-12-79 to 11-12-79 and was discharged on 11-12-79. Thus the 3 documents only indicate that Jivan Napit, Satish Napit and Jitan Napit had received injuries and were treated in the Hospital. In para 3 of the rejoinder filed on behalf of the management, it is almost admitted that certain persons had received injuries including fatal injury to Kisto Thakur on the alleged date i.e. on 6-12-79. MW-2 Shri S. S. Thakur also has admitted in his cross-examination that the concerned workman had received injury in an accident which took place on 6-12-79 but they were actually working under the contractor. There can be no doubt that some of the concerned workmen had received injuries on 6-12-79 in an accident while working.

The next question is whether the concerned workmen were working under the management of Kharkharae Colliery of the B. B. C. Ltd. or were contractor's workmen employed casually. MW-1 Shri L. S. Jadav is a Surveyor in Kharkharae Colliery. He has stated that after take over BCCL enrolled 44 Stone cutter on permanent list and since then Stone cutting contract was abolished. He has further stated that the work of stone cutting in the mine was done by those permanent stone cutters only and that they used to be provided with Bonus Card, Identity Card, Wage slip etc. to indicate their employment under the B. C. C. Ltd. He has also stated that those persons who go underground for work, are marked in the attendance register in Form C. MW-2 Shri S. S. Thakur worked in Kharkharae Colliery as Manager. He has also stated that there were permanent stone cutters in the said colliery. He has produced the Identity Card Register Ext. M-5 to show the names of the permanent Stone cutters of Kharkharae Colliery. This register states the names, Fathers names, designation, date of birth, date of employment, address and the date of issue the identity card. The photograph of the workmen is also pasted against the names of the workmen. I have gone through the register but the said register does not include the names of any of the concerned workmen. Had the concerned workmen been stone cutters in the employment of BCCL at Kharkharae Colliery, their names and identity along with their photographs must have been entered in the identity card register Ext. M-5. The absence of the identity of the concerned workmen in the identity card register Ext. M-5 goes to show that the concerned workmen were not the stone cutters in Kharkharae Colliery.

WW-1 Shri Jivan Napit is one of the concerned workman. His case is similar to the other concerned workmen. He has stated that he along with the concerned workmen used to work as Stone Cutters in Incline No. 17 of Kharkharae Colliery since 1976 and that they were appointed by the Manager of the Colliery. He has further stated that the Company sometimes used to employ the concerned workmen as Tyndal. He has stated that the payment of wages was made by measurement through the Colliery Office and that their work used to be allotted by the Mining Sirdar and also their work was supervised by the Mining Sirdar. He has stated that the concerned workmen used to bore holes on the floor by shovels and that they used to clear the stones after blast. In his cross-examination he has stated that all those who are appointed by the Colliery get Identity Card but he does not possess any Identity Card. He has further stated that he did not get any Bonus Card or Wage slip to indicate employment in the Colliery. He has further stated that his attendance was noted on the attendance Register of 17 Incline but he does not know what was written in the attendance Register. He has denied that he used to work under the Contractor Shri Bans Narayan Singh although he has admitted that he had worked earlier under him. He has stated that he does not possess any slip with him to show that he was supplied any material from the store to enable him to work as Stone Cutter. Although he says that he was doing the blasting in the top at the parting and also at the bottom, he did not know the names of the Shortinner and the names of the persons who used to carry

explosive and detonators for the purpose of blasting. Had he been working as Stone Cutter he must have remembered the names of the persons who were associated with his work. WW-2 Jyotilal Mahato is also one of the concerned workman. His statement is also in the line of WW-1. He has stated that he had asked for Identity Card but the same was not supplied on the same plea or the other. In his cross-examination he has stated that his attendance was marked in the Register when he used to go for work. He has said that he and other concerned workmen did not get any appointment letter from M/s. B.C.C. Ltd., and that he did not get wage slip, Bonus Card or Identity Card from the management. It will appear from the evidence of WW-1 and WW-2 that none of the concerned workmen had any paper with them to indicate that they were under the employment of M/s. B.C.C. Ltd. On the other hand, the management has produced and exhibited Attendance Register M-1 to M-1/18 to show that the concerned workmen had never been shown as workmen of B.C.C. Ltd. Ext. 1/18 is the Attendance Register in Form C of Kharkharee Colliery which includes the names of the persons employed underground working during the week commencing from 3-12-79 and ending on 8-12-79. The said Register does not contain any name of the concerned workmen to indicate that they had gone underground in the mine, of Kharkharee Colliery on 6-12-79, the date on which the accident is said to have taken place. If the concerned workmen were actually working as Stone Cutters under B.C.C. Ltd., their attendance must have been shown in the attendance Registers in Form C Ext. M-1 to M-1/18. On a careful perusal of the attendance Registers it will appear that the workmen were shown to have gone underground a few days but they have been shown as Contractor's men. The management has given a chart showing the details of attendance (the date on which they had gone underground) of the concerned workmen on different dates. I have compared the said Chart with attendance Registers Ext. M-1 series. It will appear that the concerned workmen had gone underground as labourers of the Contractor casually and the total number of days of their work is less than 190 days employed underground in the mines. Thus it appears that the concerned workmen were casual labourers of the contractor and that the number of days they were employer was far less than 190 days employed underground in a mine.

Ext. M-3 to M-3/10 are Pay Order along with enclosures prepared in the name of Bans Narayan Singh, Contractor. MW-1 has stated that Bans Narayan Singh was the contractor of B.C.C. Ltd. for the purpose of white washing and cleaning and that the bills of the contractor used to be prepared by the Surveyor on the basis of measurement and payment orders were passed on the basis of measurement. MW-1 has proved Ext. M-3 series. Some of the Bills have been prepared by MW-1 himself and some of them have been prepared by other Surveyors. He has definitely stated that the concerned workmen Jyoti Mahato, Jiban Napit, Hubla Mahato, Satish Pramanik were seen by him working under the Contractor. He has stated that cleaning of the stones used to be done by the permanent stone cutters but in order to expedite the cleaning work, the same was also entrusted to the Contractor whenever necessary. He has further stated that an accident took place in Pit No. 2 in the year 1979 and some persons working in the cleaning of Stone at the time of accident had received injuries. Ext. M-3 series have been produced to show that Bans Narayan Singh was a Contractor of B.C.C. Ltd. and had received payment for the work done by him. Ext. M-3 does not in itself show that the concerned workmen were working under the contractor but this has only been produced to show that the Contractor Shri Bans Narayan Singh had been given some job of temporary nature to be performed through his labourers.

In view of the discussions made above, my findings is that the concerned workmen were not the workmen of Kharkharee Mines of the B.C.C. Ltd. and as such there is no question of their reinstatement. The evidence discussed above indicate that the concerned workmen were the casual labourers of the Contractor who used to get contract work of temporary nature and that the Contractor used to employ the concerned workmen in their casual work.

In view of the aforesaid discussions, I hold that the demand of the workmen of Kharkharee Colliery of M/s. BCC Ltd.

for reinstatement of the concerned workmen is not justified and they are not entitled to any relief. In the circumstances of the case, however, there would be no order as to costs.

This is my Award.

I. N. SINHA, Presiding Officer,
[No. 20012/80/D.II(A)]
V.S. SARMA, Desk Officer

New Delhi, the 30th January, 1984

S.O. 493.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workman, which was received by the Central Government on the 19th January, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I. D. 128 of 1983 (New Delhi) 102 of 1983 CHD.

PARTIES :

Employers in relation to the management of Bhakra Management Board Nangal Township Nengal-Punjab.

AND

Their Workman—Juli Ram

APPEARANCES :

For the Employers—Shri R. I. Kaur.

For the Workman—Workman in person.

Bhakra Beas Management Board Nangal (Punjab)

AWARD

Dated, the 16th January, 1984

The Central Government, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. I-42012(42)/81-D.II(B) dated the 23rd of August, 1982 read with S.O. No. S-11025(2)/83 dated the 8th of June 1983, referred the following Industrial Dispute to this Tribunal for adjudication :—

“Whether the action of the management of Bhakra Beas Management Board in retrenching Shri Juli Ram, Driller, with effect from 20-1-1975 is justified, particularly in view of the fact that Sarv Shi (1) Sant Ram (2) Anant Singh and (3) Dhani Ram Junior to Shri Juli Ram in the same category of Drillers have been retained ? If not to what relief the workman is entitled ?”

2. When the case come up for hearing on 7-1-1984 in Camp Court at Nangal, Shri Kaith reported a private settlement which could not be recorded for want of instructions with Shri Singh and, hence, the matter was adjourned for the day to facilitate the production of the concerned workman.

3. Accordingly Shri Juli Ram, the concerned workman, attended the proceedings today and affirmed the settlement to the effect that he has accepted a fresh appointment as a Driller in the Pay Scale of Rs.400—600 under the Respondent Management. He would report for duty tomorrow on 17-1-1984 and start his career afresh at the basic pay of Rs. 400 plus usual allowances. He has, of course, given up his claim to the back wages etc. His statement to this effect, along with an affirmative endorsement of Shri Kaith, has been taken down by me on the records.

4. On hearing the parties I feel satisfied about the fairness of the settlement since it ensures a regular source of livelihood

to the workman inspite of the disputed nature of his claim. As such I hereby return a No dispute Award.

I. P. VASISHTH, Presiding Officer
[No. L-40012(42)/81-D.II(B)]

CHANDIGARH,
Dated : 16-1-84.

New Delhi, the 1st February, 1984

S.O. 494.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Posts and Telegraphs, New Delhi and their workmen, which was received by the Central Government on the 20th January, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

J.D. No. 63 of 1983

In the matter of disputes

BETWEEN

Smt Chandrawati, Sweepess, wife of late Shri Sunder Lal, House No. 27/193, Trilokpuri, Delhi

AND

The Senior Superintendent of Post Offices, New Delhi Central Division, New Delhi-110001.

APPEARANCES :

Shri Narinder Chaudhary—for the Management.
Miss Prema Lata—for the workman.

AWARD

The Central Government, Ministry of Labour, vide Order No. L-40012(4A)/82-D.II(B), dated 30th October, 1982 made reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the Senior Superintendent of Post Offices, New Delhi Central Division, New Delhi in terminating the services of Smt. Chandrawati, sweeper, with effect from the 1st September, 1981 is justified? If not, to what relief is she entitled?"

2. Smt. Chandrawati widow of Shri Sunder Lal was employed as a Sweeper on daily wages in Rajinder Nagar Post Office on 15th April, 1980. She worked at that Post Office till 14-5-1981. Later, she was employed from 15th May, 1981 to 1st September, 1981 in Karol Bagh Post Office. She also worked for 16 days in September, 1981 as part-time sweeper. Her case is that she was entitled to retrenchment-compensation and was not given any, and she claims rein statement in service with full back wages and continuity of service on account of breach of Section 25-I of the Industrial Disputes Act, 1947.

3. The facts are not disputed by the Post Office Department except that they do not agree that she was transferred from Rajinder Nagar to Karol Bagh Post Office and, further, the Management insists that her services were terminated in Rajinder Nagar Post Office on coming in of a regular sweeper and at Rajinder Nagar Post Office, her work was said to be not satisfactory.

4. The Management of the Post Office have raised objection to the maintainability of this reference. The Post Office is said to be not an 'industry' as the term is understood under the Industrial Disputes Act, 1947, and the claim is said to be otherwise not legal or maintainable. I have heard the representatives of the parties.

5. The period of 240 days has to be counted from the date of termination of service, i.e., from 1st September, 1981 backwards. She worked for 26 days in October, 1980, 26 days in November, 1980, 27 days in December, 1980, 26 days in January, 1981, 24 days in February, 26 days in March, 26 days in April, 28 days in May, 27 days in June, 29 days in

July, 28 days in August and 1 day in September, 1981. As she worked for more than 240 days during the period from October, 1980 to September, 1981, she swims into the harbour of Section 25-I of the Industrial Disputes Act, 1947, if the same be applicable to her. The Management is wrong in its contention that 240 days should be completed in each calendar year 1980 and 1981. 240 days' requirement is for 12 months preceding the date of termination. The Supreme Court in "Surendra Kumar Verma Vs. Central Government Industrial Tribunal-cum-Labour Court," 1980 Lab. IC 1292, has ruled that the workman, who actually worked under an employer for not less than 240 days during a period of 12 months, shall be deemed to have been in continuous service for one year whether or not he has in fact been in such continuous service for one year, and this was the interpretation of Section 25-B(2)(a)(ii) of the Act.

6. Ever since the Supreme Court's Judgment in Bangalore Water Supply & Sewerage Board Vs. A. Rajappa; reported in AIR 1978 SC 548, the Government Departments are not excluded from the definition of 'industry' in the I.D. Act, 1947. The Government Departments excluded are only those as discharge sovereign functions and, even in such departments exercising sovereign functions, there may be severable units which carry on activities analogous to trade or business.

7. The Postal Department, in the matter of receipt and despatch of letters, parcels and goods carries on systematic work, which is in the nature of trade/business and has to be accepted as an 'industry', as the term is defined in Section 2(I) of Industrial Disputes Act, 1947 and not excluded, because it does not exercise sovereign functions of the State.

8. In view of the department of Post Office being an 'industry', the Industrial Disputes Act, 1947 would apply to it. There are no rules framed under Article 309 of the Constitution having applicability here, and, therefore, the existence of a service-code does not, ipso facto, exclude applicability of Industrial Disputes Act, 1947. (B. K. Bharti Vs. State of Bihar and Others; 1983 Lab. I.C. 1884). The right of the Post Office to terminate the employment of Smt. Chandrawati is not disputed, but she had to be given retrenchment compensation and compliance had to be made with Section 25-F of the Act. That not having been done here, retrenchment from service is void ab initio and she is declared to be continuing in service as a sweepess in the Postal Department and she shall be paid full back wages and she shall have continuity in service. The right of the department to terminate her service after compliance with Section 25-F is not abrogated.

9. The award is made in the terms aforesaid.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated : January 12, 1984.

O. P. SINGLA, Presiding Officer
[No. L-40012(4A)/82 D. II B]
T. B. SITARAMAN, Desk Officer

आदेश

नई दिल्ली, 19 जनवरी, 1984

कानून 495.—केन्द्रीय सरकार की यह वि के रूपमें उत्तराखण्ड अन्ध्रप्रदेश में विनियोग विधि के बारे में मीर्पोड़ा गजब्बाम अटोमिक पावर प्रोजेक्ट राजसभादा के प्रयोगनंतर में सचिव एक आंशिक विवाद नियोजकों और उसके कमिट्टीर्स के बीच विद्यमान है।

प्राप्त केन्द्रीय सरकार उस विवाद का न्यायनियन के लिए नियमित करना आवश्यक समझती है।

प्रत, केन्द्रीय सरकार, आंशिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 7-क और धारा 10 की उपधारा (1) के अंतर्गत (ष) धारा प्रदत्त एक्सियों का प्रयोग करने वाला, एक आंशिक अधिकारी भी महेन्द्र भट्टण एमरी होगे, जिनका मुख्यालय जयपुर में होगा और उस विवाद का उत्तर अधिकारी न्यायनियन के लिए नियमित करनी गी।

अनुसूची

"क्या सी०पी०इ० राजस्थान अटोमिक पावर प्रोजेक्ट, गवतभाटा की प्रबन्धने के पत्र संख्या आर०पी०पी०/०४६३७/८० एडमन/पृ० ५४७/५५-५६ दिनांक २९-५-१९८१ द्वारा श्री ए०प० प०म सेक्षन, श्रावण प० पौ० पौ० गवतभाटा के द्वी/मैन "झी" थी ए०प० धीवास्तव को उसकी अगली २-३ बेसन वृद्धियों को संचयी प्रबाल से रोकने को दउ देने की कांवाई न्यायांचित है ? यदि नहीं, तो यह कर्मकार किस अनुरोध का हकदार है ?"

[सं० ए०-१२०१२/१८/८३ ई०-२३०/ई०-१ (वी)]
ए०प०प०प० प० शर्मा, डैस्क अधिकारी

ORDER

New Delhi, the 19th January, 1984

S.O. 495.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the C.P.E. Rajasthan Atomic Power Project, Rawatbhata and their workmen in respect of the matter specified in the schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of C.P.E. Rajasthan Atomic Power Project, Rawatbhata in imposing the penalty of stoppage of next 2-3 increments with cumulative effect on Shri A. K. Srivastava, T/Man 'B' O&M Section RAPP, Rawatbhata vide the management letter No. RAPP/04637/80/Admn/S/547/55-56 dated 29th May, 1981 is justified? If not, to what relief the workman is entitled?"

[No. I-42012/18/83-D-II(B)/D-IV(B)]

A. V. S. SARMA, Desk Officer

आदेश

नई दिल्ली, 23 जनवरी, 1984

वा० भा० ४९६ :—केन्द्रीय सरकार की यह मे कि इस उपावल अनुसूची में विनिष्ठित विधय के भारि मे मै० अर्थफील्ड प्रोडक्ट्स (बम्बर्ड) प्रा० लि०, बम्बर्ड के प्रबन्धने मे सम्बन्धपूर्क आशोंगिक विधाद नियोजकों द्वारा उनके कर्मकारों के शीघ्र विश्वासान हैं,

झीर, केन्द्रीय सरकार उन विवाद को न्याय निर्णयन के लिए निर्वैशिष्ट बन्ना बाधनीय समझाती है ;

अन्., केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (197 का 14) की घारा 7-क और घारा 10 की उपधारा (i) के खड़ (प) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकारण गठित करनी है जिसके पीठानीत अधिकारी श्री महेन्द्र भयण होंगे, जिसका मुख्यालय जयपुर मे होगा और उनके विवाद को उनके अधिकारण को न्यायनिर्णयन के लिए निर्दिष्ट करनी है।

अनुसूची

"क्या मैगम अर्थफील्ड प्रोडक्ट्स (बम्बर्ड) प्रा०लि० के प्रबन्धने की आशोंगिक विधाद अधिनियम, 1947 की घारा 25 अन्वर के उपर्युक्त एवं अनुपालन न करने हुए, २५ जूलाई, १९८१ को बनील प्रमेस्टर

खानों को बन्द करने की कांवाई न्यायांचित है ? यदि नहीं, तो कर्मकार किस अनुरोध के हकदार है ?"

[सं० ए०-४३०११/४/८३-ई०-३(वी)]
नन्द लाल, अवर सचिव

ORDER

New Delhi, the 23rd January, 1984

S.O. 496.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Earthfield Products (Bombay) Private Limited, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Messrs Earthfield Products (Bombay) Private Limited, in closing down their Banal Asbestor mines with effect from the 25th July, 1981 without complying with the provisions of section 25 FFF of the Industrial Disputes Act, 1947 is justified? If not, to what relief are the workmen concerned entitled?"

[No. L-43011(4)/83-D. III(B)]
NAND LAL, Under Secy.

New Delhi, the 31st January, 1984

S.O. 497.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Bailadila Iron Ore Project, Deposit No. 5, Bacheli and their workmen, which has been received by the Central Government.

BEFORE JUSTICE SHRI S. R. VYAS (R.F.T.D.) PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/LC(R)(2)/1980

PARTIES :

Employers in relation to the management of Bailadila Iron Ore Project, Deposit No. 5, Bacheli and their workmen, Shri B. B. Nair, Joint Secretary of Bailadila Mazdoor Union, Bailadila Iron Ore Project, Deposit No. 5, Bacheli, District Bastar (M.P.)

APPEARANCES :

For Union—Shri K. P. G. Panikar,
For Management—S/Shri P. S. Nair, Advocate and
N. N. Sharma, Personnel Manager.

INDUSTRY : Iron Ore

DISTRICT : Bastar (M.P.)

AWARD

Dated, the 30th October, 1982

By Notification No. I-26011/9/79-D.III(B) dated 9th January, 1980 Government of India in the Ministry of Labour has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Bailadila Iron Ore Project Deposit No. 5 in transferring Shri B. B. Nair, Joint Secretary of Bailadila Mazdoor Union, Bailadila Iron Ore Project Deposit No. 5, Bacheli from Bacheli to Jagdalpur with effect from 12-1-1979 is justified? If not, to what relief is the workman concerned entitled?"

2. Briefly stated the facts giving rise to this dispute are these Shri B. B. Nair, hereinafter referred to as the workman, was employed by the Bailadila Iron Ore Project of the National Mineral Development Corporation in 1965 at Kirandul. In 1967 he was transferred from Kirandul to Bacheli Deposit No. 5 where he worked as a Works Assistant till sometime in 1979 when the management transferred him to Jagdalpur Guest House in the same capacity. This transfer of the workman is the subject of the present dispute.

3. The claim of the workman is that sometime in 1978 a Union was formed of which he was elected as a Joint Secretary. This Union is affiliated to the Centre of Indian Trade Unions. The Union had submitted a Charter of Demands to the management. Sometime in December 1978 Shri Robin Sen and Shri Vijay Modak, both Members of Parliament visited the Project. The Union viz, the Bailadila Mazdoor Union of which the workman was the Joint Secretary accompanied these two M.P.s. during their visit to the Project Area and took active part in the visit of these M.P.s. along with the other workers. The management taking a prejudicial view of the activities of the workman decided to isolate him not only from the workers in the Project but from his trade union activities also. Accordingly, the management transferred him from Bacheli to their Guest House at Jagdalpur. At the Jagdalpur Guest House, according to the workman, no work has been provided to him and his rest day was changed from Wednesday to Sunday. The workman was allotted a residential quarter at Bacheli (also referred to as Akashnagar) which he was asked to vacate. This quarter could not be vacated as the workman's family was still at Bacheli for the children's education. Because of the workman's inability to vacate the quarter at Bacheli the management charged penal rent at Rs.84 per month. Mining Allowance which the workman was getting at Bacheli has also become inadmissible to him because of his posting at Jagdalpur.

4. In reply to the aforesaid demands of the workman the management contends that some dispute was raised before the Assistant Labour Commissioner (Central) but the conciliation proceedings ended in a failure. So far as the present dispute regarding the transfer is concerned the management contends that the workman did not raise any such dispute with the management and without such a dispute being raised with the management the Government could not refer the same for adjudication to the Tribunal.

5. As regards transfer the management further contends that both in the ordinary course of the management and also in exercise of the powers given in the Standing Orders the management has full authority to effect transfers for better administration and management of the project. With reference to this particular transfer of the workman the management contends that in the ordinary course when some work is taken up at a particular project and the same is completed the staff rendered surplus is as far as practicable absorbed at other places. Regarding the necessity of a Works Assistant at the Jagdalpur Estate, where the Guest House is situated it is stated that it is a big estate with its independent water supply system and some workman was necessary there to look after the maintenance of this big estate. Hence, according to the management, for administrative convenience the workman was transferred. As regards the allegations of the workman about his malafide transfer with a view to isolate from the workers and his trade union activities the management has denied all those allegations.

6. Rejoinders were filed by both the parties in which practically no new plea was raised except those already covered by their statements of claims.

7. In the light of the aforesaid pleadings of the parties the following issues were framed by my predecessor on 17-5-1980 :—

ISSUES

1. Whether the dispute referred to the Tribunal is not an industrial dispute ?
2. (a) Whether the Union had raised no dispute with the management before approaching the A.L.C. (C) Raipur ?

- (b) Whether the management did not participate even in the conciliation proceedings ?
- (c) If so, its effect ?
3. Whether the management transferred Shri B. B. Nair to Jagdalpur in the normal course of business and due to administrative convenience ?
4. Whether the Union intimated the names of the office bearers to the management on 12-10-1979 for the first time ?
5. Whether at the time of his transfer Shri B. B. Nair was Joint Secretary of the Bailadila Mazdoor Union ?
6. Whether Shri B. B. Nair was transferred from Bacheli to Jagdalpur by the management with a view to isolate him from the workers and to put a hindrance in his trade union activities ?
7. Whether the transfer of Shri Nair from Bacheli to Jagdalpur is illegal, malafide and unnecessary ?

8. Relief and costs ?

8. My findings on these issues are as under :—

Issue No. 1.—The dispute referred to this Tribunal is an industrial dispute.

Issue No. 2(a), (b) and (c).—Findings not necessary.

Issue No. 2(a) (b) and (c).—Findings not necessary. course of business and for administrative convenience.

Issue No. 4.—Finding not necessary.

Issue No. 5.—Not proved.

Issue No. 6.—The transfer of the workman is not proved to have made with a view to isolate him from the workers and his trade union activities.

Issue No. 7.—The transfer of the workman, Shri Nair from Bacheli to Jagdalpur is neither illegal nor malafide nor unnecessary.

Issue No. 8.—The workman is not entitled to any relief. Reasons for the aforesaid findings :—

9. Issue No. 1.—According to the workman he is a trade union worker and in order of isolate him not only from the co-workers but also from his trade union activities the management has effected his transfer from Bacheli to Jagdalpur. Since according to the workman the transfer is in the back ground of his trade union activities which concern not only him but is co-workers also the dispute raised by him will take the shape of an industrial dispute. Moreover, when the Government have referred this dispute to this Tribunal for adjudication it has to be assumed that it is an industrial dispute the adjudication of which is necessary by this Tribunal.

10. However, the workman has filed a document i.e. the Minutes of the conciliation proceedings dated 9-7-1979 before the Assistant Labour Commissioner (Central) Raipur which show that the dispute about the workman's transfer was specifically raised. How can in these circumstance be said that the dispute is not an industrial dispute. Accordingly Issue No. 1 is decided against the management.

11. Issue No. 4.—For the adjudication of this dispute it is not necessary to decide as to whether the Union of which the workman is a member had or had not intimated names of the office bearers of the Union.

12. Issue No. 5.—It is an admitted fact that the workman, Shri B. B. Nair, is employed as a workman by the management. for the adjudication of the dispute raised by him it is not material whether he is an office bearer of the union or not. Moreover, neither the workman nor any other witness has come forward to prove that any such union existed and that the workman was its office bearer.

13. Issue No. 3, 6 and 7.—The important question covered by these three issues is regarding the justification or otherwise of the transfer of the workman from Bacheli to

Though both the parties had filed a number of documents learnt about the workman's membership with a union oral evidence was recorded. Thus, those documents remained unproved. I may, however, refer to some of the documents, if necessary, regarding which some references may have been made in the statements of claims.

14. During the adjudication proceedings sometime the workman appeared through a Counsel and sometime through his union representative. On the remaining days of hearing neither the workman nor his union representative nor his Advocate appeared. When evidence was recorded on 2-1-1982 none was present for the workman or his union. The management therefore examined their Personnel Manager, Shri N. N. Sharma as MW-1 and closed the evidence. The case was fixed for final arguments at Raipur on 15-9-1982 when Shri Panikar for the workman prayed for an adjournment which was granted. Final arguments were then filed for being heard at Jagdalpur on 22-10-1982 but on that date none appeared for the workman. Counsel for the management was therefore heard and award was reserved.

15. It is admitted fact that the workman has been transferred in the same capacity from Bacheli to Jagdalpur and is entitled for the same wages and allowances which are admissible to his post at Jagdalpur. The workman contends that during the visit of Shri Robin Sen and Shri Modak he took the leading part during their visit and the management feeling annoyed with his participation decided to transfer him. When and with what purpose S/Shri Robin Sen and Modak visited the Project area, what were their activities, to what extent the workman had participated and if so in what capacity are all matters on which no oral evidence has been given by the workman or his union representative. The visits of political leaders specially those engaged in labour welfare movements is not uncommon. During such visits the workman also participated in their activities. No evidence has been given that something was either said or done by these M.P.s, which had in any way given any occasion to the management to feel annoyed. The main grievance of the workman is that because of the keen interest and active part taken by him in the union activities the management wanted to isolate him from his workers and his trade union activities and with that end in view he had been transferred. If some material has been placed before this Tribunal in support of this contention then this contention could have been decided on merits. It is, however, clear that neither the workman nor any union representative has come forward to pledge his oath in support of these contentions. I am, therefore, unable to accept the contention of the workman that the transfer was motivated and liable with that view as alleged by him.

16. So far as documentary evidence is concerned, I have already stated above that nothing has been proved by the workman to show that the transfer was motivated in any way.

17. So far as the management is concerned, it has examined the Personnel Manager (MW-1) Shri N. N. Sharma. He has stated that the Bailadila Iron Ore Project has its own Guest House and other buildings at Jagdalpur on a 10 acres plot. With regard to this Estate, he says that complaints were received about its inefficient upkeep, water supply and maintenance etc. and for these reasons there was a demand for the posting of a workman from the civil department. It was further stated that the posting of Shri Nair, according to him, was with a view to estate being looked after and properly maintained. Lastly he has also stated that it was only after the transfer order was passed that the management learnt about the workman's membership with a union. He has categorically denied that the transfer of the workman was effected in connection with his activities during the visit of any Member of Parliament.

17a. As regards the wages and allowances payable to the workman at Jagdalpur the witness has stated that the workman gets his basic wages, dearness and other allowance at the same rate at which he was getting but not the Mining Allowance which is admissible to the workman posted at the Project Area. Regarding the transfer from Project to Non-project areas and Non-project areas to Project areas the witness stated that such transfers are normal and had been and are being made by the management. Regarding the Mining Allowance, the witness stated that since the workman is not posted in the mining area he does not get any Mining Allowance.

18. The statement of this important witness of the management not subjected to any cross-examination. Though his statement was recorded on 2-1-1982 and Union representative appeared before this Tribunal on 15-9-1982 when this reference was fixed for final arguments no prayer was made either for permission for the cross-examination of this witness or for any oral evidence being given on behalf of the workman. The only inference which in these circumstances, has to be drawn is that the workman or his union did not mean to challenge the correctness of the statement made by Shri N. N. Sharma, the Personnel Manager. When that was so, I have no reason as to why his statement should not be accepted as true and reliable. Under these circumstances, it has to be concluded that the transfer of the workman from the Project Area at Bacheli to the Non-project Area i.e. Jagdalpur Guest House was in the normal course of administrative convenience and efficient management and the same cannot be treated as either unnecessary or illegal or malafide or made with a view to curtail the trade union activities carried on by the workman.

19. As regards the complaints for charge of penal rent nothing has been said by the workman. If he had been examined he could have shown as to how there was any illegality. However, from the statement of the management it is clear that for a couple of months he was permitted to occupy the residential quarter at Bacheli for the education of his children. Thereafter he was asked to vacate but since he did not do so he was charged book rent at Bacheli particularly when he was also allotted a residential quarter at Jagdalpur Guest House. The workman cannot make any complaint for the charge of rent at the book rate for the excess period taken by him in vacating the quarter after the expiry of the time given to him.

20. As regards the Mining Allowance, it is clear that it is admissible only to those employees who are engaged in the mining work or are engaged in the Project area. Such a allowance goes by post where the workman is required to work. Jagdalpur is not Mining or Project Area and the workman cannot claim such a allowance in addition to his wages and other allowances admissible to his post. Accordingly, in my opinion, these two grievances raised by the workman are not said to be justified.

21. Issue No. 8.—In the light of the findings recorded above, the workman is not entitled to any relief.

22. For reasons stated above, award is that the transfer of the workman, Shri B. B. Nair, by the management of the Bailadila Iron Ore Project from Bacheli Deposit No. 5 to Jagdalpur Guest House was justified on the grounds of maintenance of the estate of Jagdalpur and for administrative convenience. The workman, in these circumstances, is not entitled to any relief. In the circumstances of the case, both the parties are directed to bear their own costs as incurred.

S. R. VYAS, Presiding Officer.

[No. L-26011/9/79-D.III (B)]

NAND LAL, Under Secy.